15-83.

SUPREME COURT OF THE UNITED STATES.

No. 76.

SEAMAN FIELD AND OTHERS, PLAINTIFFS IN ERROR,

VERSUS

THE UNITED STATES.

IN ERROR TO THE DISTRICT COURT OF THE UNITED STATES FOR EASTERN DISTRICT OF LOUISIANA.

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EASTERN DISTRICT OF LOUISIANA, *ss.*

Be it remembered, that, on the 30th day of March, 1831, into the district court of the United States for the Eastern district of Louisiana, came the United States of America, by John Slidell, their attorney for the said district, and filed their petition of complaint against Seaman Field, Samuel I. Peters, and Thomas Toby, residing in the city of New Orleans, syndics of L. E. Brown, in words and figures as follows, to wit:

To the Hon. Samuel H. Harper, Judge of the district court of the United States for the Eastern district of Louisiana:

The petition of the United States, by John Slidell, their attorney for the said district, respectfully shows, that one Lewis E. Brown, of the city of New Orleans, did, on the 27th day of October, 1829, execute a certain bond or writing obligatory, by which he acknowledged himself to be indebted to the United States in the sum of thirteen hundred and sixty-six $\frac{20}{100}$ dollars; that suit having been brought on the said bond against the said Lewis E. Brown before you honor, judgment was obtained thereon, on the 22d December, 1830, for the said sum, to be satisfied by the payment of six hundred and thirty-two $\frac{10}{100}$ dollars, with interest at six per centum per annum, from 26th day of June, 1830, until paid, with costs of suit, as will appear from record of said suit, No. 2881, on the files of this court; that the said Lewis E. Brown failed and became insolvent, and made a voluntary assignment of all his property to his creditors, on or about the 26th April, 1830, under the laws of Louisiana; that Seaman Field, Samuel I. Peters, and Thomas Toby, all residing in New Orleans, were appointed syndics or assignees of his creditors, and in that capacity have received and taken possession of all the property, real and personal, of said Lewis E. Brown, and have sold and disposed of the same to an amount far exceeding the debt by him due to the United States; that, at the time of their receiving and taking possession of said property as aforesaid, they well knew of the existence of the debt due to the United States by said Lewis E. Brown; that an amicable demand has been made from the said Seaman Field, Samuel I. Peters, and Thomas Toby, of the amount of the aforesaid judgment with the costs thereon, amounting to $67 33, but that they have neglected and refused to pay the same or any part thereof: the United States pray they may be cited to answer this petition, and that, after due proceedings had, they be condemned to pay, jointly and severally, the amount of the aforesaid judgment with interest and costs.

JOHN SLIDELL, *Dist. Attorney.*

Citations.

The President of the United States of America to the Marshal of the Eastern District of Louisiana, or his lawful Deputy, greeting:

You are hereby commanded to cite Seaman Field, so that he be and appear at the district court of the United States for the Eastern district of Louisiana, to be holden in the city of New Orleans on the 3d Monday of May, 1831, to answer the complaint of the United States, and that he do file his defence or answer with the clerk of said court on or before the same, or judgment will be given against him by default; and have you then and there this writ. Witness, the Hon Samuel H. Harper, Judge of the said court, at the city of New Orleans, this 1st day of April, 1831, and 55th year of the independence of the United States.

L. M. DAVIDSON, *Dy. Clk.*

Le Prèsident des Etats Unis d' Amerique au Marèchal du District Oriental de la Louisiane, au à sou Deputè duement autorise, salut:

Vous êtes commandé de citer Seaman Field pour qu'il ait à comparaître à la cour de district des Etats Unis pour la district Oriental de la Louisiane, qui siégera dans le ville de la ville de la Nouvelle Orleans, le 3eme. Lundi de Mai, 1831, à l' effet de repondre à la plainte des Etats Unis et d' y remettre, réponse au defense au greffier de la dite cour, avant au le même jour, faute de quoi, jugement par default sera rendre contre lui et vous ferez votre rapport de cet ordre.

Temoin, l' Honorable Samuel H. Harper, Jugè de la dite cour á la ville de la Nouvelle Orleans, ce 1er. jour de Avril, 1831, et la 55eme. annèe de l' independance des Etats Unis.

L. M. DAVIDSON, *Dy. Greffier.*

The foregoing citation was placed in the hands of the marshal; and, on the 1st day of April, 1831, returned into court by him with the following report, to wit:

Marshal's Return.

"Received 1st April, 1831; served the same day, by leaving copy hereof and copy of petition at domicil of defendant. Returned 2d April, 1831.

JOHN NICHOLSON, *U. S. M.*"

Citation to S. I. Peters.

The President of the United States of America to the Marshal of the Eastern District of Louisiana, or his lawful Deputy, greeting:

You are hereby commanded to cite Samuel I. Peters, so that he be and appear at the district court of the United States for the Eastern district of Louisiana, to be holden in the city of New Orleans, on the 3d Monday of May, 1831, to answer the complaint of the United States, and that he do file his defence or answer with the clerk of said court on or before the same, or judgment will be given against him by default; and have you then and there this writ .Witness, the Hon. Samuel H. Harper, judge of said court, at the city of New Orleans, this 1st day of April, 1831, and 55th year of the independence of the United States.

L. M. DAVIDSON, *Dy. Clerk.*

Le Prèsident des Etats Unis d'Amerique au Marèchal du District Oriental de la Louisiane au á sou Depute duement autorise, salut:

Vous êtes commandé de citer Samuel I. Peters, pour qui'l ait à comparaître à la cour de district des Etats Unis pour le district Oriental de la Louisiane, qui siégera dans la ville de la Nouvelle Orleans, le 3eme. Lundi de Mai, 1831, á l' effet de repondre à la plainte des Etats Unis, et d' y remettre reponse au defense au greffier de la dite cour, avant au le même jour, faute de quoi, jugement par defaut sera rendre contre lui et vous ferez votre rapport de cet ordre. Temoin, l' Honorable Samuel H. Harper, Juge de la dite cour á la ville de la Nouvelle Orleans, ce 1er. jour de Avril, 1831, et la 55eme. annèe de l' independance des Etats Unis.

L. M. DAVIDSON, *Dy. Greffier.*

The foregoing citation against S. I. Peters was placed in the hands of the marshal on 1st day April, 1831, and by him returned into court on 2d April, 1831, with the following return:

Marshal's Return.

"Received 1st April, 1831, served same day personally on defendant, returned 2d April, 1831.

J. NICHOLSON, *U. S. M.*"

Citation to Thomas Toby.

The President of the United States to the Marshal of the Eastern District of Louisiana, or his lawful Deputy, greeting:

Your are hereby commanded to cite Thos. Toby, so that he be and appear at the district court of the United for the Eastern district of Louisiana, to be holden in the city of New Orleans on the 3d Monday of May, 1831, to answer the complaint of the United States, and that he do file his defence or answer with the clerk of the said court on or before the same, or judgment will be given against him by default; and have you then and there this writ. Witness, the Hon. Samuel H. Harper, Judge of said court, at the city of New Orleans, this 1st day of April, 1831, and 55th year of the American independence.

L. M. DAVIDSON, *Dy. Clerk.*

Le President des Etats Unis d'Amèrique au Marechal du District Oriental de la Louisiane, au á sou Depute duement autorise, salut:

Vous êtes commandé de citer Thomas Toby, pour qu'il àit á comparaître à la cour district des Etats Unis pour le district Oriental de la Louisiane, qui siégera dans la ville de la Nouvelle Orleans, le 3eme. Lundi de Mai, 1831, à l' effet de repondre á la plainte des Etats Unis, et d' y remettre rèponse au défense au greffier de la dite cour avant au le mème jour; faute de quoi, jugement par defaut sera rendre contre lui et vous ferez votre rapport de cet ordre.

Temoin, l' Honorable Samuel H. Harper, Juge de la dite cour á la ville de la Nouvelle Orleans, ce 1er. jour d' Avril, 1831, et le 55eme. année de l' independance des Etats Unis.

L. M. DAVIDSON, *Dy. Greffier.*

The foregoing citation against Thomas Toby was placed in the hands of the marshal on the first April, 1831, and by him returned into court on 2d April, 1831, with the following return:

Marshal's Return.

"Received 1st April, 1831, served same day on defendant personally, returned 2d inst.

J. NICHOLSON, *U. S. M.*"

The said first named defendant, Seaman Field, having been cited to answer the petition of the United States on or before the 3d Monday of May, 1831, into the said court came by his attorney, and to the said petition of the United States, on the 17th day of May, 1831, filed the following answer, to wit:

THE UNITED STATES,
vs.
SYNDICS OF L. E. BROWN. } Filed 17th May, 1831.

The answer of S. Field, one of the said syndics, to the petition herein filed, showeth: That it is truly alleged in said petition that this respondent, in his capacity as syndic, in conjunction with the other syndics, have taken possession of the property of the said L. E. Brown, by him assigned and transferred to his said syndics or assignees, for the benefit and distribution among his creditors; that this respondent acts in his capicity as syndic aforesaid in virtue of certain judicial proceedings had in the parish court for the parish and city of New Orleans, which reference is had for greater certainty, and an exemplification of which will in due time be exhibited, and which he prays may be taken as part of this answer.

That in virtue of said proceedings, under the local laws of Louisiana, the said property so assigned was sold by said syndics on a credit of one, two, and three years; that out of the proceeds of sale, when the same shall be received, are to be paid certain privileged and mortgaged, creditors who are preferred to the United States:

That this respondent, nor the syndics of said L. E. Brown, have no funds belonging to the estate of said Brown; all the property ceded by him having been sold on a credit, for which promissory notes were taken, which credit has not yet expired, nor have said notes been paid.

This respondent, further answers and says, that he denies all the other allegations in said petition set forth not expressly admitted by this answer, and especially that he, as syndic, has done any thing or act which, by the laws of the United , render *render* him responsible in manner and form as is demanded in said petition, or that he is liable in any manner whatever in his private capacity, as is in said petition set forth, and prays a trial by jury.

Respondent further says, that said syndics sold the household furniture and other moveables of said Brown, at six months' credit for $, which sum has been used and paid away in law charges, house rent, and other charges privileged upon said estate, and preferred to the United States, as stated in the account annexed to No. 3,022.

CARLETON & LOCKETT, *for Defts.*

The second named defendant, S. I. Peters, having been cited to answer the petition of the United States on or before the 3d Monday of May, 1831, into the said court came by his attorneys, and to the said petition of the United States on the 17th day of May, 1831, and filed the following answer, to wit:

THE UNITED STATES,
vs.
SYNDICS OF L. E. BROWN. } Filed 17th May, 1831.

The answer of Samuel I. Peters to the petition herein filed, showeth, that it is truly alleged in said petition that this respondent, in his capacity as syndic, in conjunction with the other syndics therein mentioned, have taken possession of the property of the said L. E. Brown, by him assigned and transferred to his said syndics or assignees; that this respondent acts in his ca-

pacity as syndic aforesaid, in virtue of certain judicial proceedings had in the parish court for the parish and city of New Orleans, to which reference is had for greater certainty, and an exemplification of which will in due time be exhibited, and which he prays may be taken as a part of this answer.

That in virtue of said proceedings under the local laws of Louisiana, the said property, so assigned, was sold on a credit of one, two, and three years; that out of the proceeds of sale, when the same shall be received, are to be paid certain privileged and mortgaged creditors who are preferred to the United States.

That this respondent, nor the syndics of said L. E. Brown, have no funds belonging to the estate of said Brown, all the property ceded by him having been sold on a credit, for which promissory notes were taken, which credit has not yet expired, nor have said notes been paid.

This respondent further answering says, that he denies all the other allegations in said petition set forth, and especially that he, as syndic, has done any thing or act which, by the laws of the United States, render him responsible in manner and form as is demanded in said petition, or that he is liable in any manner whatsoever in his private capacity, as is in said petition set forth, and prays a trial by jury.

Respondent further says, that said syndics sold the household furniture and certain other moveables belonging to said Brown, for $, which sum has been used and paid away in law charges, house rent, and other charges privileged upon said estate, and preferred to the United States, as stated in the account annexed to No. 3,022.

CARLETON & LOCKETT, *for Defts.*

The third and last named defendant, Thos. Toby, having been cited to answer the petition of the United States on or before the 3d Monday in May, 1831, into the said court came by his attorneys, and to the said petition of the United States on the 17th May, 1831, and filed the following answer, to wit:

THE UNITED STATES, *vs.* THOMAS TOBY. } Filed 17th May, 1831.

The answer of Thomas Toby, one of the said syndics, to the petition herein filed, showeth: That it is truly alleged in said petition, that this respondent, in his capacity as syndic, in conjunction with the other syndics therein mentioned, have taken possession of the property of said L. E. Brown, by him assigned and transferred to his said syndics, or assignees, for the benefit of, and distribution among, his creditors; that this respondent acts in his capacity as syndic in virtue of certain judicial proceedings had in the parish court for the parish and city of New Orleans, to which reference is had for greater certainty, and an exemplification of which will in due time be exhibited, and which he prays may be taken as a part of this answer.

That in virtue of said proceedings, under the local laws of Louisiana, the said property, so assigned, was sold by said syndics on a credit of one, two, and three years; that out of the proceeds of sale when the same shall be received, are to be paid certain privileged and mortgaged creditors who are preferred to the United States.

That this respondent, nor the syndics of L. E. Brown, have no funds belonging to the estate of said Brown, all the property ceded by him having been sold on a credit, for which promissory notes were taken; which credit has not yet expired, nor have said notes been paid.

This respondent, further answering, says, that he denies all the other allegations in said petition set forth, not expressly admitted by this answer, and especially that he, as syndic, has done any thing or act which by the laws of the United States render him responsible in manner and form as is demanded in said petition, or that he is liable in any manner whatever in his private capacity as is in said petition set forth, and prays a trial by jury.

Respondent further says, that said syndics sold the household furniture and other moveables of said Brown for $, on credit of six months, which sum has been used and paid away in law charges, house rent, and other charges privileged upon said estate, and preferred to the debt due the United States, as stated in the account annexed to No 3,022.

CARLETON & LOCKETT, *for Defendants.*

EASTERN DISTRICT OF LOUISIANA, *ss.*

Be it remembered, That, on the 30th day of March, 1831, into the court of the United States for the Eastern district of Louisiana, came the United States of America, by John Slidell, their attorney for the said district, and filed their petition of complaint against *Seaman Field*, *Sam. I. Peters*, and *Thomas Toby*, syndics of L. E. Brown, in words and figures as follows, to wit:

To the Hon. Sam. H. Harper, Judge of the District Court of the United States for the Eastern District of Louisiana:

The petition of the United States, by John Slidell, their attorney for the said district, shows, that one Lewis E. Brown, of the city of New Orleans, did, on the 3d day of December, 1829, execute a certain bond or writing obligatory, by which he acknowledged himself indebted to the United States in the sum of thirteen hundred and ninety-four ; that suit having been brought thereon before your honor, judgment was obtained thereon on the 22d December, 1830, for *for* the said sum, to be satisfied by the payment of six hundred and ninety-seven dollars, with interest at six per centum per annum from 2d Aug. 1830, until paid, with costs of suit, as will appear from record of said suit, No. 2,908, on the files of this court: That the said Lewis E. Brown failed, and became insolvent, and made a voluntary assignment of all his property to his creditors on or about the 26th April, 1830, under the laws of Louisiana: That Seaman Field, Samuel I. Peters, and Thomas Toby, all residing in New Orleans, were appointed syndics or assignees of his creditors, and, in that capacity, have received and taken possession of all the property, real and personal, of said Lewis E. Brown, and have sold and disposed of the same—to an amount far exceeding the debt by him due to the United States: That, at the time of thus receiving and taking possession of said property as aforesaid, they well knew of the existence of the debt due to the United States by said L. E. Brown: That an amicable demand has been made from the said Seaman Field, Sam. I. Peters, and Thomas Toby, of the amount of the aforesaid judgment, with the costs thereon, amounting to $67 33, but that they have neglected and refused to pay the same or any part thereof. The United States pray that they may be cited to answer this petition, and that, after due

pooceedings had, they be compelled to pay jointly and severally the amount of the aforesaid judgment with interests and costs.

JOHN SLIDELL, *District Attorney.*

Citation to Seamen Field.

The President of the United States of America to the Marshal of the Eastern District of Louisiana, or his lawful Deputy, greeting:

You are hereby commanded to cite Seaman Field, so that he be and appear at the district court of the United States for the Eastern district of Louisiana, to be holden in the city of New Orleans, on the third Monday of May, 1831, to answer the complaint of the United States, and that he do file his defence or answer with the clerk of said court on or before the same, or judgment will be given against him by default; and have you then and there this writ.

Witness the Hon. Sam. H. Harper, judge of said court, at the city of New Orleans, this 6th day of April, 1831, and 55th year of the American independence.

F. W. LEA, *Clerk.*

Le Frèsident des Etats Unis d'Amerique, au Marechal au District Oriental de la Louisiane, au à sou Deputé duement autorise. salut:

Vous étes commandé de citer Seaman Field, pour qu'il ait à comparaître à la cour de district des Etats Unis pour le district Oriental de la Louisiane, qui siagera dans la ville de la Nouvelle Orleans, le 3me. Lundi de Mai, 1831, á l'effet de rèpondre á la plainte des Etats Unis et d'y remettre reponse au defense au greffier de la dite cour, avant au le même jour; faute de quoi, jugement par defaut sera rendre contre lui et vous ferez votre rapport de cet ordre.

Temoin, l'Honorable Samuel H. Harper, juge de la dite cour, à la ville de la Nouvelle Orlèans, ce 6me. jour d' Avril, 1831, et la 55eme. année de l' independance des Etats Unis.

F. W. LEA, *Greffier.*

The foregoing citation was placed in the hands of the marshal, and by him returned into court on 7th April, 1831, with the following return, to wit:

Marshal's return.—Served personally on the 7th April, 1831, and returned same day.

J. NICHOLSON, *U. S. Marshal.*

Citation to Sam. I. Peters.

The President of the United States of America to the Marshal of the Eastern District of Louisiana, or his lawful Deputy, greeting:

You are hereby commanded to cite Samuel I. Peters, so that he be and appear at the district court of the United States for the Eastern district of Louisiana, to be holden in the city of New Orleans, on the 3d Monday of May, 1831, to answer to the complaint of the United States,

and that he do file his defence or answer with the clerk of said court on or before the same, or judgment will be given against him by default; and have you then and there this writ.

Witness, the Hon. Saml. H. Harper, judge of said court, at the city of New Orleans, this 6th day of April, 1831, and 55th year of the independence of the United States.

F. W. LEA, *Clerk.*

Le President des Etats Unis d'Amerique, au Maréchal au District Oriental de la Louisiane, au à sou Depute duement autorise, salut:

Vous étes commandé de citer Samuel I. Peters, pour qu'il ait à comparaître a la cour de district des Etats Unis pour le district Oriental de la Louisiane, qui siegera dans la ville de la Nouvelle Orleans, le 3me. Lundi de Mai, 1831, á l' effet de rèpondre á la plainte des Etats Unis et d 'y remettre reponse au défense au greffier de la dite cour, avant au le même jour; faute de quoi, jugement par defaut sera rendre contre lui et vous ferez votre rapport de cet ordre.

Temoin, l' Honorable Samuel H. Harper, juge de la dite cour, á la ville de la Nouvelle Orleans, ce 6me. jour d' Avril, 1831, et la 55eme. année de l' independance des Estats Unis.

F. W. LEA, *Greffier.*

The foregoing citation against Saml. I. Peters was placed in the hands of the marshal, and by him, on the 7th April, returned into court, with the following return, to wit:

Marshal's return.—Served personally on 7th April, 1831. Returned same day.

J. NICHOLSON, *U. S. Marshal.*

Citation to Thomas Toby.

The President of the United States of America to the Marshal of the Eastern District of Louisiana, or his lawful Deputy, greeting:

You are hereby commanded to cite Thomas Toby, so that he be and appear at the district court of the United States for the Eastern District of Louisiana, to be holden in the city of New Orleans, on the 3d Monday of May, 1831, to answer the complaint of the United States, and that he do file his defence or answer with the clerk of said court, on or before the same, or judgment will be given against him by default; and have you then and there this writ.

Witness, the Hon. Saml. H. Harper, judge of the said court, at the city of New Orleans, this 6th day of April, 1831, and 55th year of the independence of the United States.

F. W. LEA, *Clerk.*

Le President des Etats Unis d'Amerique, au Marechal au District Oriental de la Louisiane, au á sou Depute duement autorise, salut:

Vous étes commandé de citer Thomas Toby, pour qu'il ait à comparaître á la cour de district des Etats Unis pour le district Oriental de la

Louisiane, qui siegera dans la ville de la Nouvelle Orleans, le 3eme. Lundi de Mai, 1831, á l'effet de repondre à la plainte des Etats Unis et d'y remettre reponse au defense au greffier de la dite cour, avant au le même jour; faute de quoi, jugement par defaut sera rendre contre lui et vous ferez votre rapport de cet ordre.

Temoin, l' Honorable Saml. H. Harper, Juge de la dite cour á la ville de la Nouvelle Orleans, ce 6eme. jour d' Avril, 1831, et le 55eme. année de l' independance des Etats Unis.

F. W. LEA, *Clerk.*

The foregoing citation against Thomas Toby was placed in the hands of the marshal on 7th April, 1831, and by him returned into court on same day, with the following return, to wit:

Marshal's Return.

Served on 7th April, 1831, by leaving copy of petition and copy hereof at domicil of Thos. Toby. Returned same day.

JNO. NICHOLSON, *U. S. Marshal.*

The first named defendant, Seaman Field, having been cited to answer the petition of the United States on or before the 3d Monday of May, 1831, into the said court came, by his attorneys, and to the said petition of the United States, on the 17th May, 1831, filed the following answer, to wit:

The UNITED STATES *vs.* SYNDICS of L. E. BROWN. } *No.* 3,020. *Filed* 17*th May*, 1831.

The answer of S. Field, one of the said syndics, to the petition herein filed, showeth:

That it is truly alleged in said petition that this respondent, in his capacity as syndic, in conjunction with the other syndics therein mentioned, have taken possession of the property of said Lewis E. Brown, by him assigned, and transferred to his said syndics or assignees for the benefit of, and distribution among his creditors: That this respondent acts in his capacity as syndic aforesaid in virtue of certain judicial proceedings had in the parish court for the parish and city of New Orleans, which is had for greater certainty, and an exemplification of which will, in due time, be exhibited, and which he prays may be taken as a part of this answer:

That, in virtue of said proceedings, under the local laws of Louisiana, the said property so assigned was sold by said syndics on a credit of one, two, and three years; that, out of the proceeds of sale, when the same shall be recovered, are to be paid certain privileged and mortgaged creditors, who are preferred to the United States:

That this respondent, nor the syndics of said Lewis E. Brown, have no funds belonging to the estate of said Brown, all the property ceded by him having been sold on a credit, for which promissory notes were taken, which credit has not yet expired, nor have said notes been paid.

This respondent, further answering, says, that he denies all the other allegations in said petition set forth, not expressly admitted by this answer, and especially that he, as syndic, has done any thing or act which, by the laws of the United States, render him responsible in manner and form as is demanded in said petition, or that he is liable in any manner whatever in his private capacity, as is in said petition set forth, and prays a trial by jury.

and that he do file his defence or answer with the clerk of said court on or before the same, or judgment will be given against him by default; and have you then and there this writ.

Witness, the Hon. Saml. H. Harper, judge of said court, at the city of New Orleans, this 6th day of April, 1831, and 55th year of the independence of the United States.

F. W. LEA, *Clerk.*

Le President des Etats Unis d'Amerique, au Marechal au District Oriental de la Louisiane, au à sou Depute duement autorise, salut:

Vous étes commandé de citer Samuel I. Peters, pour qu'il ait à comparaître a la cour de district des Etats Unis pour le district Oriental de la Louisiane, qui siegera dans la ville de la Nouvelle Orleans, le 3me. Lundi de Mai, 1831, á l' effet de rèpondre á la plainte des Etats Unis et d 'y remettre reponse au défense au greffier de la dite cour, avant au le même jour; faute de quoi, jugement par defaut sera rendre contre lui et vous ferez votre rapport de cet ordre.

Temoin, l' Honorable Samuel H. Harper, juge de la dite cour, á la ville de la Nouvelle Orleans, ce 6me. jour d' Avril, 1831, et la 55eme. année de l' independance des Estats Unis.

F. W. LEA, *Greffier.*

The foregoing citation against Saml. I. Peters was placed in the hands of the marshal, and by him, on the 7th April, returned into court, with the following return, to wit:

Marshal's return.—Served personally on 7th April, 1831. Returned same day.

J. NICHOLSON, *U. S. Marshal.*

Citation to Thomas Toby.

The President of the United States of America to the Marshal of the Eastern District of Louisiana, or his lawful Deputy, greeting:

You are hereby commanded to cite Thomas Toby, so that he be and appear at the district court of the United States for the Eastern District of Louisiana, to be holden in the city of New Orleans, on the 3d Monday of May, 1831, to answer the complaint of the United States, and that he do file his defence or answer with the clerk of said court, on or before the same, or judgment will be given against him by default; and have you then and there this writ.

Witness, the Hon. Saml. H. Harper, judge of the said court, at the city of New Orleans, this 6th day of April, 1831, and 55th year of the independence of the United States.

F. W. LEA, *Clerk.*

Le President des Etats Unis d'Amerique, au Marechal au District Oriental de la Louisiane, au á sou Depute duement autorise, salut:

Vous étes commandé de citer Thomas Toby, pour qu'il ait à comparaître á la cour de district des Etats Unis pour le district Oriental de la

Louisiane, qui siegera dans la ville de la Nouvelle Orleans, le 3eme. Lundi de Mai, 1831, á l'effet de repondre à la plainte des Etats Unis et d'y remettre reponse au defense au greffier de la dite cour, avant au le même jour; faute de quoi, jugement par defaut sera rendre contre lui et vous ferez votre rapport de cet ordre.

Temoin, l' Honorable Saml. H. Harper, Juge de la dite cour á la ville de la Nouvelle-Orleans, ce 6eme. jour d' Avril, 1831, et le 55eme. année de l' independance des Etats Unis.

F. W. LEA, *Clerk.*

The foregoing citation against Thomas Toby was placed in the hands of the marshal on 7th April, 1831, and by him returned into court on same day, with the following return, to wit:

Marshal's Return.

Served on 7th April, 1831, by leaving copy of petition and copy hereof at domicil of Thos. Toby. Returned same day.

JNO. NICHOLSON, *U. S. Marshal.*

The first named defendant, Seaman Field, having been cited to answer the petition of the United States on or before the 3d Monday of May, 1831, into the said court came, by his attorneys, and to the said petition of the United States, on the 17th May, 1831, filed the following answer, to wit:

The UNITED STATES *vs.* SYNDICS of L. E. BROWN. } *No.* 3,020. *Filed* 17*th May*, 1831.

The answer of S. Field, one of the said syndics, to the petition herein filed, showeth:

That it is truly alleged in said petition that this respondent, in his capacity as syndic, in conjunction with the other syndics therein mentioned, have taken possession of the property of said Lewis E. Brown, by him assigned, and transferred to his said syndics or assignees for the benefit of, and distribution among his creditors: That this respondent acts in his capacity as syndic aforesaid in virtue of certain judicial proceedings had in the parish court for the parish and city of New Orleans, which is had for greater certainty, and an exemplification of which will, in due time, be exhibited, and which he prays may be taken as a part of this answer:

That, in virtue of said proceedings, under the local laws of Louisiana, the said property so assigned was sold by said syndics on a credit of one, two, and three years; that, out of the proceeds of sale, when the same shall be recovered, are to be paid certain privileged and mortgaged creditors, who are preferred to the United States:

That this respondent, nor the syndics of said Lewis E. Brown, have no funds belonging to the estate of said Brown, all the property ceded by him having been sold on a credit, for which promissory notes were taken, which credit has not yet expired, nor have said notes been paid.

This respondent, further answering, says, that he denies all the other allegations in said petition set forth, not expressly admitted by this answer, and especially that he, as syndic, has done any thing or act which, by the laws of the United States, render him responsible in manner and form as is demanded in said petition, or that he is liable in any manner whatever in his private capacity, as is in said petition set forth, and prays a trial by jury.

Respondent further says, that said syndics sold the household furniture and other moveables of said Brown, at six months' credit, for $ —, which sum has been used and paid away in law charges, house rent, and other charges privileged upon upon said estate, and preferred to the United States, as stated in the account annexed to No. 3,022.

CARLETON & LOCKETT, *for Defendants.*

The second named defendant, Saml. I. Peters, having been cited to answer the petition of the United States on or before the 3d Monday of May, 1831, into the said court came, by his attorneys, and to the said petition of the United States, on the 17th day of May, 1831, and filed the following answer, to wit:

The UNITED STATES *vs.* SYNDICS of L. E. BROWN. } *No.* 3,020. *Filed* 17*th May*, 1831.

The answer of Samuel I. Peters, one of said syndics, to the petition herein filed, showeth:

That it is truly alleged in said petition, that this respondent in his capacity as syndic, in conjunction with the other syndics therein mentioned, have taken possession of the property of the said L. E. Brown, by him assigned, and transferred to his said syndics or assignees, for the benefit of, and distribution among his creditors: That this respondent acts in his capacity as syndic aforesaid, in virtue of certain judicial proceedings had in the parish court for the parish and city of New Orleans, to which reference is had for greater certainty, and an exemplification of which will, in due time, be exhibited, and which he prays may be taken as a part of this answer:

That, in virtue of said proceedings under the local laws of Louisiana, the said property so assigned was sold on a credit of one, two, and three years; that out of the proceeds of sale, when the same shall be received, are to be paid certain privileged and mortgaged creditors, who are preferred to the United States:

That this respondent, nor the syndics of said Brown, have no funds belonging to the estate of said Brown, all the property ceded by him having been sold on a credit, for which promissory notes were taken, which credit has not yet expired, nor have said notes been paid.

This respondent, further answering, says, that he denies all the other allegations in said petition set forth, not expressly admitted by this answer, and especially that he, as syndic, has done any thing or act which, by the laws of the United States, render him responsible, or that he is liable in any manner whatever in his capacity, as is in said petition set forth, and prays a trial by jury.

This respondent further says, that said syndics sold the household furniture, and certain other moveables belonging to said Brown, for $ —, which sum has been received and paid away in law charges, house rent, and other charges privileged upon said estate, and preferred to the debt due the United States, as stated in the account annexed to No. 3,022.

CARLETON & LOCKETT, *for Defendants.*

The third named defendant, Thomas Toby, having been cited to answer the petition of the United States on or before the third Monday of May, 1831, into the said court came, by his attorney, and to the said petition of

the United *of the United* States, on the 17th May, 1831, filed the following answer, to wit:

The UNITED STATES *vs.* SYNDICS of L. E. BROWN. } *No.* 3,020. *Filed 17th May,* 1831.

The answer of Thomas Toby, one of said syndics, to the petition herein filed, showeth:

That it is truly alleged in said petition that this respondent, in his capacity as syndic, in conjunction with the other syndics therein mentioned, have taken possession of the property of the said Lewis E. Brown, by him assigned, and transferred to his said syndics or assignees, for the benefit of, and distribution among his creditors: That this respondent acts in his capacity as syndic aforesaid in virtue of certain judicial proceedings had in the parish court for the parish and city of New Orleans, to which reference is had for greater certainty, and an exemplification of which will, in due time, be exhibited, and which he prays may be taken as a part of this answer.

That, in virtue of said proceedings under the local laws of Louisiana, the said property so assigned, was sold by said syndics on a credit of one, two, and three years; that out of the proceeds of sale, when the same shall be received, are to be paid certain privileged and mortgaged creditors, who are preferred to the United States.

That this respondent, nor the syndics of said Lewis E. Brown, have no funds belonging to the estate of said Brown, all the property ceded by him having been sold on a credit for which promissory notes were taken, which credit has not yet expired, nor have the said notes been paid.

This respondent, further answering, says, that he denies all the other allegations in said petition set forth not expressly admitted by this answer, and especially that he, as syndic, has done any thing or act which, by the laws of the United States, render him responsible in manner and form as is demanded in said petition, or that he is liable in any manner whatever in his private capacity, as is in said petition set forth, and prays a trial by jury.

Respondent further says, that said syndics sold the household furniture of said Brown, and other moveables, for the sum of $, which sum has been used and paid away in law charges, house rent, and other charges privileged upon said estate, and preferred to the debt due to the United States, as stated in the account annexed to No. 3,022.

CARLETON & LOCKETT, *for Def'ts.*

EASTERN DISTRICT OF LOUISIANA, *ss.*

Be it remembered, that, on the 30th day of March, 1831, into the court of the United States for the Eastern district of Louisiana, came the United States of America, by John Slidell, their attorney for the said district, and filed their petition of complaint against Seaman Field, Samuel I. Peters, and Thomas Toby, in words and figures as follows, to wit:

To the Hon. Samuel H. Harper, Judge of the district court of the United States for the Eastern district of Louisiana:

The petition of the United States, by John Slidell, their attorney for the said district, respectfully shows, that one Lewis E. Brown, of the city of New Orleans, did, on the 26th of October, 1829, execute a certain bond

or writing obligatory, by which he acknowledged himself to be indebted to the United States in the sum of twelve hundred and sixty-four dollars; that suit having been brought on said bond against the said Lewis E. Brown before your honor, judgment was obtained thereon on the 22d December, 1830, for the said sum, to be satisfied by the payment of six hundred and thirty-two dollars, with interest at six per centum per annum, from 26th August, 1830, until paid, with costs of suit, as will appear from record of said suit, No. 2,908, of the files of this court; that the said Lewis E. Brown failed and became insolvent, and made a voluntary assignment of all his property to his creditors, under the laws of Louisiana, on or about the 26th April, 1830; that Seaman Field, Samuel I Peters, and Thomas Toby, all residing in New Orleans, were appointed syndics or assignees of his creditors, and in that capacity have received and taken possession of all the property, real and personal, of said Lewis E Brown, and have sold and disposed of the same to an amount far exceeding the debt by him due to the United States; that, at the time of their receiving and taking possession of said property as aforesaid, they well knew of the existence of the debt due to the United States by said Lewis E. Brown; that an amicable demand has been made upon them to pay the amount of the aforesaid judgment, with the costs, amounting to $67 33, but that they have neglected and refused to pay the same or any part thereof: the United States pray that said Seaman Field, Samuel I. Peters, and Thomas Toby, be cited to answer this petition, and that, after due proceedings had, they be condemned to pay, jointly and severally, the amount of the aforesaid judgment with interest and costs.

JOHN SLIDELL, *Dist. Attorney.*

Citation to Seaman Field.

The President of the United States of America to the Marshal of the Eastern District of Louisiana, or his lawful Deputy, greeting:

You are hereby commanded to cite Seaman Field, so that he be and appear at the district court of the United States for the Eastern district of Louisiana, to be holden in the city of New Orleans on the 3d Monday of May, 1831, to answer the complaint of the United States, and that he do file his defence or answer with the clerk of said court on or before the same, or judgment will be given against him by default; and have you then and there this writ. Witness, the Hon Samuel H. Harper, Judge of the said court, at the city of New Orleans, this 6th day of April, 1831, and 55th year of the independence of the United States.

L. M. DAVIDSON, *Dy. Clk.*

Le Prèsident des Etats Unis d' Amerique au Marèchal du District Oriental de la Louisiane, au à sou Dèputè duement autorise, salut:

Vous étes commandé de citer Seaman Field pour qu'il ait à comparaître à la cour de district des Etats Unis pour la district Oriental de la Louisiane, qui siégera dans la ville de la Nouvelle Orleans, le 3eme. Lundi de Mai, 1831, à l' effet de repondre à la plainte des Etats Unis et d' y remettre, réponse au defense au greffier de la dite cour, avant au le même; faute de quoi, jugement par defaut sera rendre contre lui et vous ferez votre rapport de cet ordre.

Temoin, l' Honorable Samuel H. Harper, Jugè de la dite cour á la ville de la Nouvelle Orleans, ce 6me jour de Avril, 1831, et la 55eme. annèe de l' independance des Etats Unis. L. M. DAVIDSON, *Dy. Greffier.*

The foregoing citation against Seaman Field was placed in the hands of the marshal; and by him returned into court on 8th April, 1831, with the following return thereon:

Marshal's Return.

"Received 7th April, 1831; served personally same day; returned 8th instant.

JOHN NICHOLSON, *U. S. M.*"

Citation against S. I. Peters.

The President of the United States to the Marshal of the Eastern District of Louisiana, or his lawful Deputy, greeting:

You are hereby commanded to cite Samuel I. Peters, so that he be and appear at the district court of the United States for the Eastern district of Louisiana, to be holden in the city of New Orleans, on the 3d Monday of May, 1831, to answer the complaint of the United States, and that he do file his defence or answer with the clerk of said court on or before the same, or judgment will be given against him by default; and have you then and there this writ. Witness, the Hon. Samuel H. Harper, judge of said court, at the city of New Orleans, this 6th day of April, 1831, and 55th year of the American independence.

L. M. DAVIDSON, *Dy. Clerk.*

Le Prèsident des Etats Unis d'Amerique au Marèchal du District Oriental de la Louisiane au á sou Depute duement autorise, salut:

Vous êtes commandé de citer Samuel I. Peters, pour qu'il ait à comparaître à la cour de district des Etats Unis pour le district Oriental de la Louisiane, qui siégera dans la ville de la Nouvelle Orleans, le 3eme. Lundi de Mai, 1831, à l' effet de repondre à la plainte des Etats Unis, et d' y remettre reponse au defense au greffier de la dite cour, avant au le même jour; faute de quoi, jugement par defaut sera rendre contre lui et vous ferez votre de cet ordre.

Temoin, l' Honorable Samuel H. Harper, Juge de la dite cour á la ville de la Nouvelle Orleans, ce 6eme. jour de Avril, 1831, et la 55eme. année de l' independance des Etats Unis.

L. M. DAVIDSON, *Dy. Greffier.*

The foregoing citation against S. I. Peters was placed in the hands of the marshal, and by him returned into court on 8th April, 1831, with the following return:

Marshal's Return.

"Received 7th April, 1831; served same day, by leaving copy hereof and copy of petition at store of Samuel I. Peters; returned 8th inst.

J. NICHOLSON, *U. S. M.*"

Citation against Thomas Toby.

The President of the United States of America to the Marshal of the Eastern District of Louisiana, or his lawful Deputy, greeting:

Your are hereby commanded to cite Thos. Toby, so that he be and appear at the district court of the United States for the Eastern district of Louisiana, on the 3d Monday of May, 1831, to answer the complaint of the United

States, and that he do file his defence or answer with the clerk of said court on or before the same, or judgment will be given against him by default; and have you then and there this writ. Witness, the Hon. Samuel H. Harper, Judge of said court, at the city of New Orleans, this 6th day of April, 1831, and 55th year of the independence of the United States.

L. M. DAVIDSON, *Dy. Clerk.*

Le Prèsident des Etats Unis d'Amèrique au Marechal du District Oriental de la Louisiane, au á sou Depute duement autorise, salut:

Vous étes commandé de citer Thomas Toby, pour qu'il àit á comparaître à la cour district des Etats Unis pour le district Oriental de la Louisiane, qui siégera dans la ville de la Nouvelle Orleans, le 3eme. Lundi de Mai, 1831, à l' effet de repondre á la plainte des Etats Unis, et d' y remettre rèponse au défense au greffier de la dite cour avant au le même jour; faute de quoi, jugement par defaut sera rendre contre lui et vous ferez votre rapport de cet ordre.

Temoin, l' Honorable Samuel H. Harper, Juge de la dite cour á la ville de la Nouvelle Orleans, ce 6eme. jour d' Avril, 1831, et le 55eme. année de l' independance des Etats Unis.

L. M. DAVIDSON, *Dy. Greffier.*

The foregoing citations against Thomas Toby was placed in the hands of the marshal for service, and by him returned into court on 8th April, 1831, with the following return:

Marshal's Return.

"Received 7th April, 1831: served same day by leaving copy hereof and copy of petition at domicil of Thomas Toby, esq.; returned 8th inst.

J. NICHOLSON, *U. S. M.*"

The said first named defendant, Seaman Field, having been cited to answer the petition of the United States on or before the 3d Monday of May, 1831, into the said court came by his attorneys, and to the said petition of the the United States, on the 17th of May, filed the following answer, to wit:

THE UNITED STATES, *vs.* SYNDICS OF L. E. BROWN. } No. 3021. Filed 17th May, 1831.

The answer of S. Field, one of said syndics, to the petition herein filed, showeth: That it is truly alleged in said petition that this respondent, in his capacity as syndic, in conjunction with the other syndics, have taken possession of the property of the said L. E. Brown, by him assigned and transferred to his syndics or assignees for the benefit of, and distribution among his creditors; that this respondent acts in his capacity as syndic aforesaid in virtue of certain judicial proceedings had in the parish court for the parish and city of New Orleans, to which reference is had for greater certainty, and an exemplification of which will in due time be exhibited, and which he prays may be taken as a part of this answer.

That, in virtue of said proceedings, under the local laws of Louisiana, the said property so assigned was sold on a credit of one, two, and three years;

that, out of the proceeds of sale, when the same shall be received, are to be paid certain privileged and mortgaged creditors who are preferred to the United States:

That this respondent, nor the syndics of said L. E. Brown, have no funds belonging to the estate of said Brown; all the property ceded by him having been sold on a credit, for which promissory notes were taken, which credit has not yet expired, nor have said notes been paid.

This respondent further answering, says, that he denies all the other allegations in said petition set forth not expressly admitted by this answer, and especially that he, as syndic, has done any thing or act which, by the laws of the United States, render him responsible in any manner and form as is demanded in said petition, or that he is liable in any manner whatever in his private capacity, as is in said petition set forth, and prays a trial by jury.

Respondent further says, that said syndics sold the household furniture and other moveables of said Brown, at six months' credit for $, which sum has been used and paid away in law charges, house rent, and other charges privileged upon said estate, and preferred to the United States, as stated in the account annexed to No. 3,022.

CARLETON & LOCKETT, *for Deft.*

The second named defendant, Saml. I. Peters, having been cited to answer the petition of the United States on or before the 3d Monday of May, 1831, into the said court came by his attorneys, and to the said petition of the United States on the 17th May, 1831, filed the following answer, to wit:

THE UNITED STATES, *vs.* SYNDICS OF L. E. BROWN. } No. 3021. Filed 17th May, 1831.

The answer of Samuel I. Peters, one of the syndics, to the petition herein filed, showeth, that it is truly alleged in said petition that this respondent, in his capacity as syndic, in conjunction with the other syndics therein mentioned, have taken possession of the property of the said L. E. Brown, by him assigned and transferred to his said syndics or assignees, for the benefit of, and distribution among, his creditors; that this respondent acts in his capacity as syndic aforesaid, in virtue of certain judicial proceedings had in the parish court for the parish and city of New Orleans, to which reference is had for greater certainty, and an exemplification will in due time be exhibited, and which he prays may be taken as a part of this answer.

That, in virtue of said proceedings under the local laws of Louisiana, the said property, so assigned, was sold on a credit of one, two, and three years; that out of the proceeds of sale, when the same shall be received, are to be paid certain privileged and mortgaged creditors who are preferred to the United States.

That this respondent, nor the syndics of said L. E. Brown, have no funds belonging to the estate of said Brown, all the property ceded by him having been sold on a credit, for which promissory notes were taken, which credit has not yet expired, nor have said notes been paid.

This respondent, further answering, says, that he denies all the other allegations in said petition set forth, not expressly admitted by this answer; and especially that he, as syndic, has done any thing or act which, by the laws of the United States, render him responsible in manner and form as is de-

manded in said petition, or that he is liable in any manner whatever in his private capacity, as is in said petition set forth, and prays a trial by jury.

This respondent further says, that said syndics sold the household furniture and certain other moveables belonging to said Brown, for $, which sum has been received and paid away in law charges, house rent, and other charges privileged upon said estate, and preferred to the United States, as stated in the account annexed to No. 3,022.

CARLETON & LOCKETT, *for Deft.*

The third named defendant, Thos. Toby, having been cited to answer the petition of the United States on or before the 3d Monday of May, 1831, into the said court came by his attorneys, on the 17th May, 1831, and to the said petition of the United States filed the following answer, to wit:

THE UNITED STATES, *vs.* SYNDICS OF L. E. BROWN. } No. 3021. Filed 17th May, 1831.

The answer of T. Toby, one of the syndics, to the petition herein filed, showeth: That it is truly alleged in said petition, that this respondent, in his capacity as syndic, in conjunction with the other syndics therein mentioned, have taken possession of the property of the said L. E. Brown, by him assigned and transferred to his said syndics, or assignees, for the benefit of, and distribution among, his creditors; that this syndic acts in his capacity aforesaid in virtue of certain judicial proceedings had in the parish court for the parish and city of New Orleans, to which reference is had for greater certainty, and an exemplification of which will in due time be exhibited, and which he prays be taken as a part of this answer.

That, in virtue of said proceedings under the local laws of Louisiana, the said property, so assigned, was sold by said syndics on a credit of one, two, and three years; that out of the proceeds of sale when the same shall be received, are to be paid certain privileged and mortgaged creditors who are privileged to the United States.

That this respondent, nor the syndics of said Brown, have no funds belonging to the estate of said Brown, all the property ceded by him having been sold on a credit, for which promissory notes were taken; which credit has not yet expired, nor have said notes been paid.

This respondent, further answering, says, that he denies all the other allegations in said petition set forth, not expressly admitted by this answer, and especially that he, as syndic, has done any thing or act which by the laws of the United States render him responsible in manner and form as is demanded in said petition, or that he is liable in any manner whatever in his private capacity as is in said petition set forth, and prays a trial by jury.

Respondent further says, that said syndics sold the household furniture and other moveables of said Brown for $, which sum has been used and paid away in law charges, house rent, and other charges privileged upon said estate, and preferred to the debt due the United States, as stated in the account annexed to No 3,022.

CARLETON & LOCKETT, *for Defendant.*

EASTERN DISTRICT OF LOUISIANA, *ss.*

Be it remembered that, on the 30th day of March, A. D. 1831, into the court of the United States for the Eastern district of Louisiana, came the United States of America, by John Slidell, their attorney for the said district, and filed their petition of complaint against *Seaman Field*, *Sam. I. Peters*, and *Thomas Toby*, syndics of the estate of L. E. Brown, in words and figures as follows, to wit:

To the Hon. Sam. H. Harper, Judge of the District Court of the United States for the Eastern district of Louisiana:

The petition of the United States, by John Slidell, their attorney for the said district, shows that one Lewis E. Brown, of the city of New Orleans, did, on the 21st day of January, 1830, execute a certain bond or writing obligatory, by which he acknowledged himself indebted to the United States in the sum of one thousand and sixty $\frac{90}{100}$ dollars; that suit having been brought thereon against the said Lewis E. Brown before your honor, judgment was obtained thereon on the 22d December, 1830, for the said sum, to be satisfied by the payment of five hundred and thirty $\frac{45}{100}$ dollars, with interest at the rate of six per centum per annum from the 9th Sept. 1830, until paid, with costs of suit, as will appear by record of said suit, No. 2,930, of the files of this court: That the said Lewis E. Brown failed, and became insolvent, and made a voluntary assignment of his property to his creditors under the laws of Louisiana, on or about the 26th April, 1830: That Seaman Field, Samuel I. Peters, and Thomas Toby, all residing in New Orleans, were appointed syndics or assignees of his creditors, and, in that capacity, have received all his estate, real and personal, and have sold and disposed of the same—to an amount far exceeding the debt due to the United States: That, at the time of receiving and taking possession of said property as aforesaid, they well knew of the existence of the debt due to the United States by said L. E. Brown:

That an amicable demand has been made upon
to pay the amount of the aforesaid judgment, with the costs thereon, amounting to $63 16, but that they have neglected and refused to pay the same or any part thereof. The United States pray that said Seaman Field, Sam. I. Peters, and Thomas Toby, be cited to answer this petition, and that, after due proceedings had, they be condemned to pay jointly and severally the amount of the aforesaid judgment, with interests and costs.

JOHN SLIDELL, *District Attorney.*

Citation to Seaman Field.

The President of the United States of America to the Marshal of the Eastern District of Louisiana, or his lawful Deputy, greeting:

You are hereby commanded to cite Seaman Field, so that he be and appear at the district court of the United States for the Eastern district of Louisiana, to be holden in the city of New Orleans, on the third Monday of May, 1831, to answer the complaint of the United States, and that he do file his defence or answer with the clerk of said court on or before the same, or judgment will be given against him by default; and have you then and there this writ.

Witness, the Hon. Sam. H. Harper, judge of the said court, at the city of New Orleans, this 7th day of April, 1831, and 55th year of the independence of the United States.

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F. W. LEA, *Clerk.*

Le President des Etats Unis d'Amerique, au Marechal au District Oriental de la Louisiane, au à sou Deputé duement autorise, salut:

Vous étes commandé de citer Seaman Field, pour qu'il ait à comparaître à la cour de district des Etats Unis pour le district Oriental de la Louisiane, qui siegera dans la ville de la Nouvelle Orleans, le 3eme. Lundi de Mai, 1831, á l' effet de rèpondre á la plainte des Etats Unis et d'y remettre reponse au defense au greffier de la dite cour, avant au le même jour; faute de quoi, jugement par defaut sera rendre contre lui et vous ferez votre rapport de cet ordre.

Temoin, l'Honorable Samuel H. Harper, juge de la dite cour, à la ville de la Nouvelle Orleans, ce 7eme. jour d' Avril, 1831, et la 55eme. année de l' independance des Etats Unis.

F. W. LEA, *Greffier.*

The foregoing citation against Seaman Field was placed in the hands of the marshal, and by him returned into court on the 9th April, 1831, with the following return, to wit:

Marshal's Return.

Received 8th April, 1831, and served personally the same day, and returned into court the 9th April, 1831.

S. HORNE, *Dy. Marshal.*

Citation against Saml. I. Peters.

The President of the United States of America to the Marshal of the Eastern District of Louisiana, or his lawful Deputy, greeting:

You are hereby commanded to cite Samuel I. Peters, so that he be and appear at the district court of the United States for the Eastern district of Louisiana, to be holden in the city of New Orleans, on the 3d Monday of May, 1831, to answer the complaint of the United States, and that he do file his defence or answer with the clerk of said court on or before the same, or judgment will be given against him by default; and have you then and there this writ.

Witness, the Hon. Saml. H. Harper, judge of said court, at the city of New Orleans, this 7th day of April, 1831, and 55th year of the independence of the United States.

F. W. LEA, *Clerk.*

Le President des Etats Unis d'Amerique, au Maréchal au District Oriental de la Louisiane, au à sou Deputé duement autorise, salut:

Vous étes commandé de citer Samuel I. Peters, pour qu'il ait à comparaître a la cour de district des Etats Unis pour le district Oriental de la Louisiane, qui siegera dans la ville de la Nouvelle Orleans, le 3eme. Lundi de Mai, 1831, á l' effet de rèpondre á la plainte des Etats Unis et d'y remettre reponse au défense au greffier de la dite cour, avant au le même jour; faute de quoi, jugement par defaut sera rendre contre lui et vous ferez votre rapport de cet ordre.

Temoin, l' Honorable Samuel H. Harper, juge de la dite cour, á la ville de la Nouvelle Orleans, ce 7eme. jour d' Avril, 1831, et la 55eme. année de l' independance des Etats Unis.

F. W. LEA, *Greffier.*

The foregoing citation against Saml. I Peters was placed in the hands of the marshal for service, and by him returned into court on 9th April, 1831, with the following return, to wit:

Marshal's Return.

Received 8th April, 1831; served same day at his domicil, and returned into court 9th April.

S. HORNE, *Dy. Marshal.*

Citation against Thomas Toby.

The President of the United States to the Marshal of the Eastern District of Louisiana, or his lawful Deputy, greeting:

You are hereby commanded to cite Thomas Toby, so that he be and appear at the district court of the United States for the Eastern district of Louisiana, to be holden in the city of New Orleans, on the 3d Monday of May, 1831, to answer the complaint of the United States, and that he do file his defence or answer with the clerk of said court on or before the same, or judgment will be given against him by default; and have you then and there this writ.

Witness, the Hon. Saml. H. Harper, judge of the said court, at the city of New Orleans, this 7th day of April, 1831, and 55th year of the independence of the United States.

F. W. LEA, *Clerk.*

Le President des Etats Unis d'Amerique, au Marechal au District Oriental de la Louisiane, au á sou Depute duement autorise, salut:

Vous étes commandé de citer Thomas Toby, pour qu'il ait à comparaître á la cour de district des Etats Unis pour le district Oriental de la Louisiane, qui siegera dans la ville de la Nouvelle Orleans, le 3eme Lundi de Mai, 1831, á l'effet de repondre à la plainte des Etats Unis et d'y remettre reponse au defense au greffier de la dite cour, avant au le même jour; faute de quoi, jugement par defaut sera rendre contre lui et vous ferez votre rapport de cet ordre.

Temoin, l' Honorable Saml. H. Harper, juge de la dite cour á la ville de la Nouvelle Orleans, ce 7eme. jour d' Avril, 1831, et le 55eme. année de l' independance des Etats Unis.

F. W. LEA, *Greffier.*

The foregoing citation against Thomas Toby was placed in the hands of the marshal for service, and by him returned on the 9th April, 1831, into court, with the following return, to wit:

Marshal's Return.

Received 8th April, 1831, and served at his domicil same day; and returned into court the 9th April.

S. HORNE, *Dy. Marshal.*

The first named defendant, Seaman Field, having been duly cited to answer the complaint of the United States on or before the 3d Monday of May, 1831, into the said court came, by his attorneys, and on the 17th May, 1831, filed his answer to the said petition of the United States, as follows, to wit:

The UNITED STATES, *vs.* SYNDICS of L. E. BROWN. } *No.* 3,022. *Filed* 17*th May*, 1831.

The answer of S. Field, one of the said syndics, to the petition herein filed, shows:

That it is truly alleged in said petition that this respondent, in his capacity as syndic, in conjunction with the other syndics therein mentioned, have taken possession of the property of the said Lewis E. Brown, by him assigned, and transferred to his said syndics or assignees for the benefit of, and distribution among his creditors: That this respondent acts in his capacity as syndic aforesaid in virtue of certain proceedings had in the parish court for the parish and city of New Orleans, to which reference is had for greater certainty, and an exemplification of which will, in due time, be exhibited, and which he prays may be taken as a part of this answer:

That, in virtue of said proceedings, under the local laws of Louisiana, the said property so assigned was sold by said syndics on a credit of one, two, and three years; that, out of the proceeds of sale, when the same shall be received, are to be paid certain privileged and mortgaged creditors, who are preferred to the United States:

That this respondent, nor the syndics of said Lewis E. Brown, have no funds belonging to the estate of said Brown, all the property ceded by him having been sold on a credit, for which promissory notes were taken, which credit has not yet expired, nor have the notes been paid.

This respondent, further answering, says, that he denies all the other allegations in said petition set forth, not expressly admitted by this answer, and especially that he, as syndic, has done any thing or act which, by the laws of the United States, render him responsible in manner and form as is demanded in said petition, or that he is liable in any manner whatever in his private capacity, as is in said petition set forth, and prays a trial by jury.

Respondent further says, that said syndics sold the household furniture and other moveables of said Brown, at six months' credit, for $ —, which sum has been received and paid away in law charges, house rent, and other charges privileged upon said estate, and preferred to the United States, as stated in the account annexed to No. 3,022.

CARLETON & LOCKETT, *for Defendant.*

The second named defendant, Saml. I. Peters, having been cited to answer the petition of complaint of the United States on or before the 3d Monday of May, 1831, into the said court came, by his attorneys, and to the said petition of the United States, filed his answer as follows, to wit:

The UNITED STATES, *vs.* SYNDICS of L. E. BROWN. } *No.* 3,022. *Filed* 17*th May*, 1831.

The answer of Samuel I. Peters, one of said syndics, to the petition herein filed, showeth:

That it is truly alleged in said petition, that this respondent, in his capacity as syndic, in conjunction with the other syndics therein mentioned, have taken possession of the property of the said L. E. Brown, by him assigned and transferred to his said syndics for the benefit of, and distribution among his creditors: That this respondent acts in his ca-

pacity as syndic aforesaid, in virtue of certain judicial proceedings had in the parish court for the parish and city of New Orleans, to which reference is had for greater certainty, and an exemplification of which will, in due time, be produced, and which he prays may be taken as a part of this answer:

That, in virtue of said proceedings under the local laws of Louisiana, the said property so assigned was sold on a credit of one, two, and three years; that out of the proceeds of sale, when the same shall be received, are to be paid certain privileged and mortgaged creditors, who are preferred to the United States:

That this respondent, nor the syndics of the said L. E. Brown, have no funds belonging to the said estate of said Brown, all the property ceded by him having been sold on a credit, for which promissory notes were taken, which credit has not yet expired, nor have said notes been paid.

This respondent, further answering, says, that he denies all the other allegations in said petition set forth, not expressly admitted by this answer, and especially that he, as syndic, has done any thing or act which, by the laws of the United States, render him responsible, in manner and form as is demanded in said petition, or that he is liable in any manner whatever in his private capacity, as is in said petition set forth, and prays a trial by jury.

This respondent further says, that the said syndics sold the household furniture, and certain other moveables belonging to said Brown, for $ —, which sum has been received and paid away in law charges, house rent, and other charges privileged on said estate, and preferred to the debt due the United States in the account annexed to No. 3,022.

CARLETON & LOCKETT, *for Defendant.*

The third named defendant, Thomas Toby, having been cited to answer the petition of complaint of the United States on or before the third Monday of May, 1831, into the said court came, by his attorneys, on the 17th day May, 1831, and to the said petition of the United States filed the following answer, to wit:

The United States, *vs.* Syndics of L. E. Brown. } *No.* 3,022. *Filed* 17*th May*, 1831.

The answer of Thomas Toby, one of said syndics, to the petition herein filed, showeth:

That it is truly alleged in said petition that this respondent, in his capacity as syndic, in conjunction with the other syndics therein mentioned, have taken possession of the property of the said Lewis E. Brown, by him assigned, and transferred to his said syndics or assignees, for the benefit of, and distribution among his creditors: That this respondent acts in his capacity as syndic aforesaid in virtue of certain judicial proceedings had in the parish court for the parish and city of New Orleans, to which reference is had for greater certainty, and an exemplification of which will, in due time, be exhibited, and which he prays may be taken as a part of this answer:

That, in virtue of said proceedings under the local laws of Louisiana, the said property so assigned, was sold by said syndics on a credit of one, two, and three years; that out of the proceeds of sale, when the same shall be received, are to be paid certain privileged and mortgaged creditors, who are preferred to the United States:

That this respondent, nor the syndics of said L. E. Brown, have no funds belonging to the estate of said Brown, all the property ceded by him having been sold on a credit for which promissory notes were taken, which credit has not yet expired, nor have said notes been paid.

This respondent, further answering, says, that he denies all the other allegations in said petition set forth not expressly admitted by this answer, and especially that he, as syndic, has done any thing or act which, by the laws of the United States, render him responsible in manner and form as is demanded in said petition, or that he is liable in any manner whatever in his private capacity, as is in said petition set , and prays a trial by jury.

This respondent further says, that said syndics sold the household furniture and certain other moveables of said Brown, at six months' credit, for the sum of $, which sum they received and paid away in law charges, house rent, and other charges privileged upon said estate, and preferred to the debt due the United States, an account of which is hereto annexed.

CARLETON & LOCKETT, *for Def't.*

Account just referred to in answer of Thomas Toby.

Cash received by Syndics of Lewis E. Brown, to 16th May, 1831.

Net proceeds sales furniture, &c. National hotel	$ 1,565 58
Of S. W. Polk, rent due by him	350 00
Net proceeds rents Brown & Gallagher's coffee-house, Lewis street	202 47
Of Coats, rent due by him	116 00
Of D. Adams, an account lease	40 00
Of J. W. Brooks, amount his account	3 75
Of M. McCoull	7 06
Of Mr. Serres	6 25
	$2,291 11

Cash expended by Syndics Lewis E. Brown, to 16th May, 1831.

To city taxes $18 20, State $181 70, parish $82 55	$344 45
To printing handbills	1 50
To J. R. Ires, his commission on sales property Madisonville	4 75
To mortgage office for certificates	9 00
To Wm Christy, notary public, his fees	697 50
To Argus, for advertising	214 00
To Lou. Advertiser, do	79 50
To Mercantile, do	122 50
To note bearing mortgage to Heirs Jones	1,055 97
To fire insurance on houses, Canal street	47 00
To note bearing mortgage to W. McCally	650 00
To Isaac L. McCoy, his commission on sales property	680 40
To costs court of parish	90 25
To Buyte, for making plans property	50 00
To note bearing mortgage to United States	450 00
Ditto	333 33
To rent due the National hotel	666 64
To privilege claim T. Frith & Co., Madisonville	244 52
To Waggaman & Miller, for professional services	500 00
To interest on advances	154 66
	$6,095 97

Suit No. 3,023.

EASTERN DISTRICT OF LOUISIANA, *ss.*

Be it remembered that, on the 30th day of March, 1831, into the court of the United States for the Eastern district of Louisiana, came the United States of America, by John Slidell, their attorney for the said district, and filed their petition of complaint against Seaman Field, Samuel I. Peters, and Thomas Toby, syndics of the estate of L. E. Brown, in the words and figures as follows, to wit:

To the Hon. Samuel H. Harper, Judge of the district court of the United States for the Eastern district of Louisiana:

The petition of the United States, by John Slidell, their attorney for the said district, shows, that one Lewis E. Brown, of the city of New Orleans, did, on the 3d of December, 1829, execute a certain bond or writing obligatory, by which he acknowledged himself to be indebted to the United States in the sum of thirteen hundred and ninety-six dollars; that suit having been brought thereon against the said Lewis E. Brown before your honor, judgment was obtained thereon on the 22d December, 1830, for the said sum, to be satisfied by the payment of six hundred and ninety-eight dollars, with interest at six per centum per annum, from 2d October, 1830, until paid, with costs of suit, as will appear from record of said suit, No. 2,936, of the files of this court; that the said Lewis E. Brown failed and became insolvent, and made a voluntary assignment of all his property to his creditors, under the laws of Louisiana, on or about the 26th April, 1830; that Seaman Field, Samuel I Peters, and Thomas Toby, all residing in New Orleans, were appointed syndics or assignees of his creditors, and in that capacity have received and taken possession of all the property, real and personal, of said Lewis E. Brown, and have sold and disposed of the same to an amount far exceeding the debt by him due to the United States; that, at the time of their receiving and taking possession of said property as aforesaid, they well knew of the existence of the debt due to the United States by said Lewis E. Brown; that an amicable demand has been made upon them to pay the amount of the aforesaid judgment, with costs thereon, amounting to $63 $\frac{16}{100}$, but that they have neglected and refused to pay the same or any part thereof: the United States pray that said Seaman Field, Samuel I. Peters, and Thomas Toby, be cited to answer this petition, and that, after due proceedings had, they be condemned jointly and severally, to pay the amount of the aforesaid judgment, with interest and costs.

JOHN SLIDELL, *Dist. Attorney.*

Citation against Seaman Field.

The President of the United States to the Marshal of the Eastern District of Louisiana, or his lawful Deputy, greeting:

You are hereby commanded to cite Seaman Field, so that he be and appear at the district court of the United States for the Eastern district of Louisiana, to be holden in the city of New Orleans on the 3d Monday of May, 1831, and that he do file his defence or answer with the clerk of said court on or before the same, or judgment will be given against him by default; and have you then and there this writ. Witness, the Hon Samuel H. Harper, judge of the said court, at the city of New Orleans, this 8th day of April, 1831, and 55th year of the independence of the United States.

F. W. LEA, *Clerk.*

Le Prèsident des Etats Unis d' Amerique au Marèchal du District Oriental de la Louisiane, au à sou Deputè duement autorise, salut:

Vous étes commandé qu'il ait à comparaître à la cour de district des Etats Unis pour la district Oriental de la Louisiane, qui siégera dans la ville de la Nouvelle Orleans, le 3eme. Lundi de Mai, 1831, à l' effet de repondre à la plainte des Etats Unis et d' y remettre, réponse au defense au greffier de la dite cour, avant au le même jour; faute de quoi, jugement par defaut sera rendre contre lui et vous ferez votre rapport de cet ordre.

Temoin, l' Honorable Samuel H. Harper, jugè de la dite cour á la ville de la Nouvelle Orleans, ce 8eme. jour de Avril, 1831, et la 55eme. année de l' independance des Etats Unis.

F. W. LEA, *Greffier.*

The foregoing citation against Seaman Field was placed in the hands of the marshal for service; and by him returned into court on the 9th April, 1831, with the following return, to wit:

Marshal's Return.

"Received 9th April, 1831; served same day, by leaving copy hereof and copy of petition at domicil of S. Field; returned same day.

S. HORNE, *Dy. Marshal.*

Citation against S. I. Peters.

The President of the United States of America to the Marshal of the Eastern District of Louisiana, or his lawful Deputy, greeting:

You are hereby commanded to cite Samuel I. Peters, so that he be and appear at the district court of the United States for the Eastern district of Louisiana, to be holden in the city of New Orleans, on the 3d Monday of May, 1831, to answer the complaint of the United States, and that he do file his defence or answer with the clerk of said court on or before the same, or judgment will be given against him by default.

Witness, the Hon. Samuel H. Harper, judge of said court, at the city of New Orleans, this 8th day of April, 1831, and 55th year of the independence of the United States.

F. W. LEA, *Clerk.*

Le Prèsident des Etats Unis d'Amerique au Marèchal du District Oriental de la Louisiane, au á sou Depute duement autorise, salut:

Vous étes commandé de citer Samuel I. Peters, pour qu'il ait à comparaître à la cour de district des Etats Unis pour le district Oriental de la Louisiane, qui siégera dans la ville de la Nouvelle Orleans, le 3eme. Lundi de Mai, 1831, à l' effet de repondre à la plainte des Etats Unis, et d' y remettre reponse au defense au greffier de la dite cour, avant au le même jour; faute de quoi, jugement par defaut sera rendre contre lui et vous ferez votre rapport de cet ordre.

Temoin, l' Honorable Samuel H. Harper, juge de la dite cour á la ville de la Nouvelle Orleans, ce 8eme. jour de Avril, 1831, et la 55eme. année de l' independance des Etats Unis.

F. W. LEA, *Greffier.*

The foregoing citation against Samuel I. Peters was placed in the hands of the marshal for service, and by him returned into court on the 9th April, 1831, with the following return, to wit:

Marshal's Return.

Received 9th April, 1831; served personally same day, and made return thereof.

S. HORNE, *Dy. Marshal.*

Citation against Thomas Toby.

The President of the United States to the Marshal of the Eastern District of Louisiana, or his lawful Deputy, greeting:

Your are hereby commanded to cite Thos. Toby, so that he be and appear at the district court of the United States for the Eastern district of Louisiana, to be holden in the city of New Orleans, on the 3d Monday of May, 1831, to answer the complaint of the United States, and that he do file his defence or answer with the clerk of said court on or before the same, or judgment will be given against him by default; and have you then and there this writ. Witness, the Hon. Samuel H. Harper, judge of said court, at the city of New Orleans, this 8th day of April, 1831, and 55th year of the independence of the United States.

F. W. LEA, *Clerk.*

Le Prèsident des Etats Unis d'Amèrique au Marechal du District Oriental de la Louisiane, au á sou Depute ducment autorise, salut:

Vous étes commandé de citer Thomas Toby, pour qu'il ài t á comparaître à la cour district des Etats Unis pour le district Oriental de la Louisiane, qui siégera dans la ville de la Nouvelle Orleans, le 3eme Lundi de Mai, 1831, à l' effet de repondre á la plainte des Etats Unis, et d' y remettre rèponse au défense au greffier de la dite cour avant au le même jour; faute de quoi, jugement par defaut sera rendre contre lui et vous ferez votre rapport de année de l' cet ordre.

Temoin, l' Honorable Samuel H. Harper, juge de la dite cour á la ville de la *ville de la* Nouvelle Orleans, ce 8eme. jour d' Avril, 1831, et le 55eme. independance des Etats Unis.

F. W. LEA, *Greffier.*

The foregoing citation against Thomas Toby was placed in the hands of the marshal for service, and by him, on 9th day of April, 1831, returned into court with the following return, to wit:

Marshal's Return.

Received 9th April, 1831; served by leaving copy hereof and copy of petition at domicil of T. Toby, same day, and made return thereof.

S. HORNE, *Dy. Marshal.*

The first named defendant, Seaman Field, having been cited to answer the petition of complaint exhibited against him by the United States on or before the 3d Monday of May, 1831, into the said court by his attorneys came, on the 17th of May, 1831, and to the said petition of the United States filed the following answer, to wit:

THE UNITED STATES, *vs.* SYNDICS OF L. E. BROWN. } No. 3023. Filed 17th May, 1831.

The answer of Seaman Field, one of said syndics, to the petition herein filed, showeth: That it is truly stated in said petition that this respondent,

Le Prèsident des Etats Unis d' Amerique au Marèchal du District Oriental de la Louisiane, au à sou Deputè duement autorise, salut:

Vous étes commandé qu'il ait à comparaître à la cour de district des Etats Unis pour la district Oriental de la Louisiane, qui siégera dans la ville de la Nouvelle Orleans, le 3eme. Lundi de Mai, 1831, à l' effet de repondre à la plainte des Etats Unis et d' y remettre, réponse au defense au greffier de la dite cour, avant au le même jour; faute de quoi, jugement par defaut sera rendre contre lui et vous ferez votre rapport de cet ordre.

Temoin, l' Honorable Samuel H. Harper, jugè de la dite cour á la ville de la Nouvelle Orleans, ce 8eme. jour de Avril, 1831, et la 55eme. année de l' independance des Etats Unis.

F. W. LEA, *Greffier.*

The foregoing citation against Seaman Field was placed in the hands of the marshal for service; and by him returned into court on the 9th April, 1831, with the following return, to wit:

Marshal's Return.

"Received 9th April, 1831; served same day, by leaving copy hereof and copy of petition at domicil of S. Field; returned same day.

S. HORNE, *Dy. Marshal.*

Citation against S. I. Peters.

The President of the United States of America to the Marshal of the Eastern District of Louisiana, or his lawful Deputy, greeting:

You are hereby commanded to cite Samuel I. Peters, so that he be and appear at the district court of the United States for the Eastern district of Louisiana, to be holden in the city of New Orleans, on the 3d Monday of May, 1831, to answer the complaint of the United States, and that he do file his defence or answer with the clerk of said court on or before the same, or judgment will be given against him by default.

Witness, the Hon. Samuel H. Harper, judge of said court, at the city of New Orleans, this 8th day of April, 1831, and 55th year of the independence of the United States.

F. W. LEA, *Clerk.*

Le Prèsident des Etats Unis d'Amerique au Marèchal du District Oriental de la Louisiane, au á sou Depute duement autorise, salut:

Vous étes commandé de citer Samuel I. Peters, pour qu'il ait à comparaître à la cour de district des Etats Unis pour le district Oriental de la Louisiane, qui siégera dans la ville de la Nouvelle Orleans, le 3eme. Lundi de Mai, 1831, à l' effet de repondre à la plainte des Etats Unis, et d' y remettre reponse au defense au greffier de la dite cour, avant au le même jour; faute de quoi, jugement par defaut sera rendre contre lui et vous ferez votre rapport de cet ordre.

Temoin, l' Honorable Samuel H. Harper, juge de la dite cour á la ville de la Nouvelle Orleans, ce 8eme. jour de Avril, 1831, et la 55eme. année de l' independance des Etats Unis.

F. W. LEA, *Greffier.*

The foregoing citation against Samuel I. Peters was placed in the hands of the marshal for service, and by him returned into court on the 9th April, 1831, with the following return, to wit:

Marshal's Return.

Received 9th April, 1831; served personally same day, and made return thereof.

S. HORNE, *Dy. Marshal.*

Citation against Thomas Toby.

The President of the United States to the Marshal of the Eastern District of Louisiana, or his lawful Deputy, greeting:

Your are hereby commanded to cite Thos. Toby, so that he be and appear at the district court of the United States for the Eastern district of Louisiana, to be holden in the city of New Orleans, on the 3d Monday of May, 1831, to answer the complaint of the United States, and that he do file his defence or answer with the clerk of said court on or before the same, or judgment will be given against him by default; and have you then and there this writ. Witness, the Hon. Samuel H. Harper, judge of said court, at the city of New Orleans, this 8th day of April, 1831, and 55th year of the independence of the United States.

F. W. LEA, *Clerk.*

Le Prèsident des Etats Unis d'Amèrique au Marechal du District Oriental de la Louisiane, au á sou Depute duement autorise, salut:

Vous êtes commandé de citer Thomas Toby, pour qu'il àit á comparaître à la cour district des Etats Unis pour le district Oriental de la Louisiane, qui siégera dans la ville de la Nouvelle Orleans, le 3eme. Lundi de Mai, 1831, à l' effet de repondre á la plainte des Etats Unis, et d' y remettre rèponse au défense au greffier de la dite cour avant au le même jour; faute de quoi, jugement par defaut sera rendre contre lui et vous ferez votre rapport de année de l' cet ordre.

Temoin, l' Honorable Samuel H. Harper, juge de la dite cour á la ville de la *ville de la* Nouvelle Orleans, ce 8eme. jour d' Avril, 1831, et le 55eme. independance des Etats Unis.

F. W. LEA, *Greffier.*

The foregoing citation against Thomas Toby was placed in the hands of the marshal for service, and by him, on 9th day of April, 1831, returned into court with the following return, to wit:

Marshal's Return.

Received 9th April, 1831; served by leaving copy hereof and copy of petition at domicil of T. Toby, same day, and made return thereof.

S. HORNE, *Dy. Marshal.*

The first named defendant, Seaman Field, having been cited to answer the petition of complaint exhibited against him by the United States on or before the 3d Monday of May, 1831, into the said court by his attorneys came, on the 17th of May, 1831, and to the said petition of the United States filed the following answer, to wit:

THE UNITED STATES, *vs.* SYNDICS OF L. E. BROWN. } No. 3023. Filed 17th May, 1831.

The answer of Seaman Field, one of said syndics, to the petition herein filed, showeth: That it is truly stated in said petition that this respondent,

in his capacity as syndic, in conjunction with the other syndics therein mentioned, have taken possession of the property of the said L. E. Brown, by him assigned and transferred to his said syndics or assignees for the benefit of, and distribution among, his creditors; that this respondent acts in his capacity as syndic aforesaid in virtue of certain judicial proceedings had in the parish court for the parish and city of New Orleans, to which reference is had for greater certainty, and an exemplification of which will in due time be exhibited, and which he prays may be taken as part of this answer:

That, in virtue of said proceedings under the local laws of Louisiana, the said property so transferred or assigned was sold on a credit of one, two, and three years; that, out of the proceeds of sale, when the same shall be received, are to be paid certain privileged and mortgaged creditors who are preferred to the United States:

This respondent, nor the syndics of said L. E. Brown, have no funds belonging to said Brown; all the property ceded by him having been sold on a credit, for which promissory notes were taken, which credit has not yet expired, nor have said notes been paid.

This respondent, further answering, says, that he denies all the other allegations in said petition set forth not expressly admitted by this answer; and especially that he, as syndic, has done any thing or act which, by the laws of the United States, render him responsible in any manner and form as is demanded in said petition, or that he is liable in any manner whatever in his private capacity, as is in said petition set forth, and prays a trial by jury.

Respondent further says, said syndics sold the household furniture and other moveables of said Brown, at six months' credit, for $, which sum has been received and paid away in law charges, house rent, and other charges privileged upon said estate, and preferred to the United States, as stated in the account annexed to No. 3,022.

CARLETON & LOCKETT, *for Deft.*

The second named defendant, Saml. I. Peters, having been cited to answer the petition of the United States on or before the 3d Monday of May, 1831, into the said court came by his attorneys, and to the said petition of the United States filed his answer as follows, to wit:

THE UNITED STATES, *vs.* SYNDICS OF L. E. BROWN. } No. 3023. Filed 17th May, 1831.

The answer of Samuel I. Peters, one of said syndics, to the petition herein filed, showeth, that it is truly alleged in said petition that this respondent, in his capacity as syndic, in conjunction with the other syndics mentioned therein, have taken possession of the property *by* the said Lewis E. Brown, by him assigned and transferred to his said syndics or assignees, for the benefit of, and distribution among, his creditors; that this respondent acts in his capacity as syndic aforesaid, in virtue of certain judicial proceedings had in the parish court for the parish and city of New Orleans, to which reference is had for greater certainty, and an exemplification of which will in due time be exhibited, and which he prays may be taken as a part of this answer.

That, in virtue of said proceedings under the local laws of Louisiana, the said property, so assigned, was sold on a credit of one, two, and three years; that out of the proceeds of sale, when the same shall be received, are to be

paid certain privileged and mortgaged creditors who are preferred to the United States.

That this respondent, nor the syndics of said L. E. Brown, have no funds belonging to the estate of said Brown, all the property ceded by him having been sold on a credit, for which promissory notes were taken, which credit has not yet expired, nor have notes been paid

This respondent, further answering, says, that he denies all the other allegations in said petition set forth, and especially that he, as syndic, has done any thing or act which, by the laws of the United States, render him responsible in manner and form as is demanded in said petition, or that he is liable in any manner whatever in his private capacity, as is in said petition set forth, and prays a trial by jury.

This respondent further says, that said syndics sold the household furniture and certain other moveables belonging to said Brown, for $, which sum has been received and paid away in law charges, house rent, and other charges privileged upon said estate, and preferred to the debt due the United States, as stated in the account annexed to No. 3,022.

CARLETON & LOCKETT, *for Deft.*

The third named defendant, Thos. Toby, having been cited to answer the petition of complaint of the United States on or before the 3d Monday of May, 1831, into the said court came on the 17th day of May, 1831, by his attorneys, and to the said petition of the United States filed the following answer, to wit:

THE UNITED STATES, *vs.* SYNDICS OF L. E. BROWN. } No. 3023. Filed 17th May, 1831.

The answer of Thomas Toby, one of the said syndics, to the petition herein filed, showeth: That it is truly alleged in said petition that this respondent, in his capacity as syndic, has taken possession of the property of the said L. E. Brown, by him assigned and transferred to his said syndics, or assignees, for the benefit of, and distribution among, his creditors; that this respondent acts in his capacity as syndic in virtue of certain judicial proceedings had in the parish court for the parish and city of New Orleans, to which reference is had for greater certainty, and an exemplification of which will in due time be produced, and which he prays may be taken as a part of this answer.

That, in virtue of said proceedings under the local laws of Louisiana, the said property, so assigned, was sold on a credit of one, two, and three years; that, out of the proceeds of sale, when the same shall be received, are to be paid certain mortgaged creditors who are preferred to the United States.

That this respondent, nor the syndics of said L. E. Brown, have no funds belonging to the estate of said Brown, all the property ceded by him having been sold on a credit, for which promissory notes were taken; which credit has not yet expired, nor have said notes been paid.

This respondent, further answering, says, that he denies all the other allegations in said petition set forth, not expressly admitted by this answer, and especially that he, as syndic, has done any thing or act which, by the laws of the United States, render him responsible in manner and form as is de-

manded in said petition, or that he is liable in any manner whatever in his private capacity as is in said petition set forth, and prays a trial by jury.

This respondent further says, that said syndics sold the household furniture and certain other moveables of said Brown, at six months' credit, for $, which sum has been received and paid away in law charges, house rent, and other charges privileged upon said estate, and preferred to the debt due the United States, as stated in the account annexed to No. 3,022.

CARLETON & LOCKETT, *for Defendant.*

EASTERN DISTRICT OF LOUISIANA, *ss.*

Be it remembered that, on the 30th March, 1831, into the court of the United States for the Eastern district of Louisiana, came the United States of America, by John Slidell, their attorney for the said district, and filed their petition of complaint against *Seaman Field, Sam. I. Peters*, and *Thomas Toby*, syndics of the estate of L. E. Brown, in words and figures as follows, to wit:

To the Hon. Sam. H. Harper, Judge of the District Court of the United States for the Eastern district of Louisiana:

The petition of the United States, by John Slidell, their attorney for the said district, respectfully shows that one Lewis E. Brown did, on the 27th October, 1829, execute a certain bond or writing obligatory, by which he acknowledged himself to be indebted to the United States in the sum of twelve hundred and sixty-four dollars; that suit having been brought on said bond against said L. E. Brown before your honor, judgment was obtained thereon on the 22d December, 1830, for the said sum, to be discharged by the payment of six hundred and thirty-two dollars, with interest at six per centum per annum from 26th October, 1830, until paid, with costs of suit, as will appear from record of suit, No. 2,944, of the files of this court: That the said Lewis E. Brown failed, and became insolvent, and made a voluntary assignment of all his property to his creditors under the laws of Louisiana, in or about the 26th April, 1830: That Seaman Field, Samuel I. Peters, and Thomas Toby, all residing in New Orleans, were appointed syndics or assignees of his creditors, and, in that capacity, have received and taken possession of all the property, real and personal, of the said L. E. Brown, and have sold and disposed of the same—to an amount far exceeding the debt by him due to the United States: That, at the time of their receiving and taking possession of said property as aforesaid, they well knew of the existence of the debt due to the United States by said L. E. Brown:

That an amicable demand has been made upon them to pay the amount of the aforesaid judgment, with the costs thereon, amounting to $63 16, but that they have neglected and refused to pay the same or any part thereof. The United States pray that said Seaman Field, Saml. I. Peters, and Thomas Toby, be cited to answer this petition, and that, after due proceedings had, they may have judgment against them, jointly and severally, for the amount of the aforesaid judgment, with interests and costs.

JOHN SLIDELL, *District Attorney.*

Citation against Seaman Field.

The President of the United States of America to the Marshal of the Eastern District of Louisiana, or his lawful Deputy, greeting:

You are hereby commanded to cite Seaman Field, so that he be and appear at the district court of the United States for the Eastern district of

Louisiana, to be holden in the city of New Orleans, on the third Monday of May, 1831, to answer the complaint of the United States, and that he do file his defence or answer with the clerk of said court on or before the same, or judgment will be given against him by default; and have you then and there this writ.

Witness, the Hon. Sam. H. Harper, judge of the said court, at the city of New Orleans, this 7th day of April, 1831, and 55th year of the independence of the United States.

F. W. LEA, *Clerk.*

Le Président des Etats Unis d'Amerique, au Marechal au District Oriental de la Louisiane, au à sou Deputé duement autorise, salut:

Vous êtes commandé de citer Seaman Field, pour qu'il ait à comparaître à la cour de district des Etats Unis pour le district Oriental de la Louisiane, qui siegera dans la ville de la Nouvelle Orleans, le 3eme. Lundi de Mai, 1831, á l' effet de rèpondre á la plainte des Etats Unis

defense au greffier de la dite cour, avant au le même jour; faute de quoi, jùgement par defaut sera rendre contre lui et vous ferez votre rapport de cet ordre.

Temoin, l'Honorable Samuel H. Harper, juge de la dite cour, à la ville de la Nouvelle Orleans, ce 7eme. jour d' Avril, 1831, et la 55eme. année de l' independance des Etats Unis.

F. W. LEA, *Greffier.*

The foregoing citation against Seaman Field was placed in the hands of the marshal for service, and by him, on the 11th April, 1831, returned into court with the following return:

Marshal's Return.

Received 11th April, 1831; served same day by leaving copy hereof and copy of petition at defendant's; returned.

JNO. NICHOLSON, *U. S. Marshal.*

Citation against Saml. I. Peters.

The President of the United States of America to the Marshal of the Eastern District of Louisiana, or his lawful Deputy, greeting:

You are hereby commanded to cite Samuel I. Peters, so that he be and appear at the district court of the United States for the Eastern district of Louisiana, to be holden in the city of New Orleans, on the 3d Monday of May, 1831, to answer the complaint of the United States, and that he do file his defence or answer with the clerk of said court on or before the same, or judgment will be given against him by default; and have you then and there this writ.

Witness, the Hon. Saml. H. Harper, judge of said court, at the city of New Orleans, this 7th day of April, 1831, and the 55th year of the independence of the United States.

F. W. LEA, *Clerk.*

Le Président des Etats Unis d'Amerique, au Marèchal au District Oriental de la Louisiane, au à sou Depute duement autorise, salut:

Vous êtes commandé de citer Samuel I. Peters, pour qu'il ait à comparaître à la cour de district des Etats Unis pour le district Oriental de la

Louisiane, qui siegera dans la ville de la Nouvelle Orleans, le 3eme. Lundi de Mai, 1831, á l' effet de rèpondre á la plainte des Etats Unis et d'y remettre reponse au défense au greffier de la dite cour, avant au le meme jour; faute de quoi, jugement par defaut sera rendre contre lui et vous ferez votre rapport de cet ordre.

Temoin, l' Honorable Samuel H. Harper, juge de la dite cour, á la ville de la Nouvelle Orleans, ce 7eme. jour d' Avril, 1831, et la 55eme. année de l' independance des Etats Unis.

F. W. LEA, *Greffier.*

The foregoing citation was placed in the hands of the marshal for service, and by him on the 11th April, 1831, returned into court with the following return, to wit:

Marshal's Return.

Received 11th April, 1831; served same day personally on S. I. Peters; returned same day.

JOHN NICHOLSON, *U. S. Marshal.*

Citation against Thomas Toby.

The President of the United States to the Marshal of the Eastern District of Louisiana, or his lawful Deputy, greeting:

You are hereby commanded to cite Thomas Toby, so that he be and appear at the district court of the United States for the Eastern district of Louisiana, to be holden in the city of New Orleans, on the 3d Monday of May, 1831, to answer the complaint of the United States, and that he do file his defence or answer with the clerk of the said court on or before the same, or judgment will be given against him by default; and have you then and there this writ.

Witness, the Hon. Saml. H. Harper, judge of the said court, at the city of New Orleans, this 7th day of April, 1831, and 55th year of the independence of the United States.

F. W. LEA, *Clerk.*

Le Président des Etats Unis d'Amerique, au Maréchal au District Oriental de la Louisiane, au á sou Depute duement autorise, salut:

Vous étes commandé de citer Thomas Toby, pour qu'il ait à comparaître á la cour de district des Etats Unis pour le district Oriental de la Louisiane, qui siegera dans la ville de la Nouvelle Orleans, le 3eme. Lundi de Mai, 1831, á l'effet de repondre à la plainte des Etats Unis et d'y remettre reponse au défense au greffier de la dite cour, avant au le même jour; faute de quoi, jugement par defaut sera rendre contre lui et vous ferez votre rapport de cet ordre.

Temoin, l' Honorable Saml. H. Harper, juge de la dite cour á la ville de la Nouvelle Orleans, ce 7eme. jour d' Avril, 1831, et le 55eme. année de l' independance des Etats Unis.

F. W. LEA, *Greffier.*

The foregoing citation was placed in the hands of the marshal for service, and by him, on the 11th April, 1831, returned into court, with the following return, to wit:

Marshal's Return.

Received 11th April, 1831, returned same day; served on defendant by leaving copy of this and petition at his domicil.

JNO. NICHOLSON, *U. S. Marshal.*

The first named defendant, Seaman Field, having been duly cited to answer the complaint of the United States on or before the 3d Monday of May, 1831, into the said court came, by his attorneys, and on the 17th day of May, 1831, filed his answer to the said petition of the United States, as follows, to wit:

The UNITED STATES, *vs.* SYNDICS of L. E. BROWN. } *No.* 3,024. *Filed* 17*th May*, 1831.

The answer of Seaman Field, one of said syndics, to the petition herein filed, showeth:

That it is truly acknowledged in said petition that this respondent, in his capacity as syndic, in conjunction with the other syndics therein mentioned, have taken possession of the property of the said Lewis E. Brown, by him assigned and transferred to his said syndics or assignees for the benefit of, and distribution among his creditors: That this respondent acts in his capacity as syndic aforesaid in virtue of certain judicial proceedings had in the parish court for the parish and city of New Orleans, to which reference is had for greater certainty, and an exemplification of which will, in due time, be exhibited, and which he prays may be taken as a part of this answer:

That, in virtue of said proceedings under the local laws of Louisiana, the said property so assigned was sold by said syndics on a credit of one, two, and three years; that, out of the proceeds of sale, when the same shall be received, are to be paid certain privileged and mortgaged creditors, who are preferred to the United States:

That this respondent, nor the syndics of said Lewis E. Brown, have no funds belonging to the estate of said Brown, all the property ceded by him having been sold on a credit, for which promissory notes were taken, which credit has not yet expired, nor have said notes been paid.

This respondent, further answering, says, that he denies all the other allegations in said petition set forth, not expressly admitted by this answer, and especially that he, as syndic, has done any thing or act which, by the laws of the United States, render him responsible in manner and form demanded in said petition, or that he is liable in any manner whatever in his private capacity, as is in said petition set forth, and prays a trial by jury.

Respondent further says, that said syndics sold the household furniture and other moveables of said Brown, on a credit six months, for $ —, which sum has been received and paid away in law charges, house rent, and other charges privileged upon said estate, and preferred to the United States, as stated in the account annexed to No. 3,022.

CARLETON & LOCKETT, *for Defendant.*

The second named defendant, Saml. I. Peters, having been duly cited to answer the complaint of the United States on or before the 3d Monday of May, 1831, into the said court came, by his attorneys, on the 17th day of May, 1831, and to the said complaint of the United States, filed his answer as follows, to wit:

The UNITED STATES, *vs.* SYNDICS of L. E. BROWN. } *No.* 3,024. *Filed* 17*th May*, 1831.

The answer of Samuel I. Peters, one of said syndics, to the petition herein filed, showeth:

That it is truly alleged in said petition, that this respondent, in his capacity as syndic, in conjunction with the other syndics therein mentioned, have taken possession of the property of the said L. E. Brown, by him assigned and transferred to his said syndics or assignees for the benefit of, and distribution among his creditors: That this respondent acts in his capacity as syndic in virtue of certain judicial proceedings had in the parish court for the parish and city of New Orleans, to which reference is had for greater certainty, and an exemplification of which will, in due time, be exhibited, and which he prays may be taken as a part of this answer:

That, in virtue of said proceedings under the local laws of Louisiana, the said property so assigned was sold on a credit of one, two, and three years; that out of the proceeds of sale, when the same shall be received, are to be paid certain privileged and mortgaged creditors, who are preferred to the United States:

That this respondent, nor the syndics of said L. E. Brown, have no funds belonging to the said estate of said Brown, all the property ceded by him having been sold on a credit, for which promissory notes were taken, which credit has not yet expired, nor have said notes been paid.

This respondent, further answering, says, that he denies all the other allegations in said petition set forth, not expressly admitted by this answer; and especially that he, as syndic, has done any thing or act which, by the laws of the United States, render him responsible, in manner and form as is demanded in said petition, or that he is liable in any manner whatever in his private capacity, as is in said petition set forth, and prays a trial by jury.

This respondent further says, that said syndics sold the household furniture, and certain other moveables belonging to said Brown, for $ —, which sum has been received and paid away in law charges, house rent, and other charges privileged on said estate, and preferred to the debt due the United States as stated in the account annexed to answer No. 3,022.

CARLETON & LOCKETT, *for Defendant.*

The third named defendant, Thomas Toby, having been cited to answer the petition of complaint of the United States on or before the third Monday of May, 1831, into the said court came, by his attorneys, and, on the 17th day of May, 1831, to the said petition of the United States filed the following answer, to wit:

The UNITED STATES, *vs.* SYNDICS L. E. BROWN. } *No.* 3,024. *Filed* 17*th May*, 1831.

The answer of Thomas Toby, one of said syndics, to the petition herein filed, showeth:

That it is truly alleged in said petition that this respondent, in his capacity as syndic, in conjunction with the other syndics, have taken possession of the property of the said L. E. Brown, by him assigned and transferred *by* his said syndics or assignees for the benefit of,

and distribution among his creditors: That this respondent acts in his capacity as syndic in virtue of certain judicial proceedings had in the parish court for the parish and city of New Orleans, to which reference is had for greater certainty, and an exemplification of which will, in due time, be exhibited, and which he prays may be taken as a part of this answer:

That, in virtue of said proceedings under the local laws of Louisiana, the said property, so assigned, was sold by said syndics on a credit of one, two, and three years; that out of the proceeds of sale, when the same shall be received, are to be paid certain privileged and mortgaged creditors, who are preferred to the United States:

That this respondent, nor the syndics of said L E Brown, have no funds belonging to the estate of said Brown, all the property ceded by him having been sold on a credit for which promissory notes were taken, which credit has not yet expired, nor have said notes been paid.

This respondent, further answering, says, that he denies all the other allegations in said petition set forth not expressly admitted by this answer, and especially that he, as syndic, has done any thing or act which, by the laws of the United States, render him responsible in manner and form as is demanded in said petition, or that he is liable in any manner whatever in his private capacity, as is in said petition set forth, and prays a trial by jury.

This respondent further says, that said syndics sold the household furniture of said Brown, and certain other moveables, at six months' credit, for $, and have received said sum, and paid the same away in law charges, house rent, and other charges privileged upon said estate, and preferred to the debt due the United States, as stated in the account to No. 3,022.

CARLETON & LOCKETT, *for Def't.*

Suit No. 3,025.

EASTERN DISTRICT OF LOUISIANA, *ss.*

Be it remembered that, on the 30th of March, 1831, into the court of the United States for the Eastern district of Louisiana, came the United States, by their attorney for the said district, and filed their petition of complaint against Seaman Field, Samuel I. Peters, and Thomas Toby, syndics of the estate of Lewis E. Brown, in words and figures as follows, to wit:

No. 3,025.

To the Hon. Samuel H. Harper, Judge of the district court of the United States for the Eastern district of Louisiana:

The petition of the United States, by John Slidell, their attorney for the said district, shows, that Lewis E. Brown did, on the 11th Jan. 1830, execute a certain bond or writing obligatory, by which he acknowledged himself to be indebted to the United States in the sum of one thousand and sixty-two dollars; that suit having been brought on said bond against the said Lewis E. Brown before your honor, judgment was obtained thereon on the 22d December, 1830, for the said sum, to be satisfied by the payment of five hundred and thirty one dollars, with interest at six per centum per annum, from 9th November, 1830, until paid, with costs of suit, as will appear from record of suit, No. 2,949, on the files of this court; that the said Brown failed and became insolvent, and made a voluntary surrender of all his property to his creditors, under the laws of Louisiana, on or

about the 26th April, 1830; that Seaman Field, Samuel I. Peters, and Thomas Toby, all residing in New Orleans, were appointed syndics or assignees of his creditors, and in that capacity have received and taken possession of all the property, real and personal, of said Lewis E. Brown, and have sold and disposed of the same to an amount far exceeding the debt due by the United States; that, at the time of thus receiving and taking possession of said property as aforesaid, they well knew of the existence of the debt due to the United States by said Brown; that an amicable demand has been made upon them to pay the amount of the aforesaid judgment, with the costs thereon, amounting to $863\frac{16}{100}$, but that they have neglected and refused to pay the same or any part thereof: the United States pray that said Seaman Field, Samuel I. Peters, and Thomas Toby, be cited to answer this petition, and that, after due proceedings had, they be condemned jointly and severally, to pay the amount of the judgment aforesaid, with interest and costs.

JOHN SLIDELL, *Dist. Attorney.*

Citation against Seaman Field.

The President of the United States of America to the Marshal of the Eastern District of Louisiana, or his lawful Deputy, greeting:

You are hereby commanded to cite Seaman Field, so that he be and appear at the district court of the United States for the Eastern district of Louisiana, to be holden in the city of New Orleans on the 3d Monday of May, 1831, and that he do file his defence or answer with the clerk of the said court, or judgment will be given against him by default; and have you then and there this writ.

Witness, the Hon Samuel H. Harper, judge of said court, at the city of New Orleans, this 6th day of April, 1831, and 55th year of the independence of the United States.

F. W. LEA, *Clerk.*

Le Prèsident des Etats Unis d' Amerique au Marèchal du District Oriental de la Louisiane, au à sou Deputè duement autorise, salut:

Vous étes commandé de citer Seaman Field, pour qu'il ait à comparaître à la cour de district des Etats Unis pour le district *des Etats Unis pour le district* Oriental de la Louisiane, qui siégera dans la ville de la Nouvelle Orleans, le 3eme. Lundi de Mai, 1831, à l' effet de repondre à la plainte des Etats Unis et d' y remettre, réponse au defense au greffier de la dite cour, avant au le meme jour; faute de quoi, jugement par defaut sera rendre contre lui et vous ferez votre rapport de cet ordre.

Temoin, l' Honorable Samuel H. Harper, jugè de la dite cour á la ville de la Nouvelle Orleans, ce 6eme jour de Avril, 1831, et la 55eme. année de l' independance des Etats Unis.

F. W. LEA, *Greffier.*

The foregoing citation against Seaman Field was placed in the hands of the marshal for service; and by him returned into court with a return as follows:

Marshal's Return.

"Received 11th April, 1831; served, by leaving a copy at the domicil of Seaman Field on the same day, and returned into court.

S. HORNE, *Dy. Marshal.*

Citation against Samuel I. Peters.

The President of the United States of America to the Marshal of the Eastern District of Louisiana, or his lawful Deputy, greeting:

You are hereby commanded to cite Samuel I. Peters, so that he be and appear at the district court of the United States for the Eastern district of Louisiana, to be holden in the city of New Orleans, on the 3d Monday of May, 1831, to answer the complaint of the United States, and that he do file his defence or answer with the clerk of said court on or before the same, or judgment will be given against him by default; and have you then and there this writ.

Witness, the Hon Samuel H. Harper, judge of the said court, at the city of New Orleans, this 6th day of April, 1831, and 55th year of the independence of the United States.

F. W. LEA, *Clerk.*

Le Prèsident des Etats Unis d'Amerique au Marèchal du District Oriental de la Louisiane, au á sou Depute duement autorise, salut:

Vous étes commandé de citer Samuel I. Peters, pour qu'il ait à comparaître à la cour de district des Etats Unis pour le district Oriental de la Louisiane, qui siégera dans la ville de la Nouvelle Orleans, le 3eme. Lundi de Mai, 1831, à l' effet de repondre à la plainte des Etats Unis, et d' y remettre reponse au defense au greffier de la dite cour, avant au le même jour; faute de quoi, jugement par defaut sera rendre contre lui et vous ferez rapport de cet ordre.

Temoin, l' Honorable Samuel H. Harper, juge de la dite cour á la ville de la Nouvelle Orleans, ce 6eme. jour de Avril, 1831, et la 55eme. année de l' independance des Etats Unis.

F. W. LEA, *Greffier.*

The foregoing citation was placed in the hands of the marshal for service, and by him returned into court on the 11th April, 1831, with the following return, to wit:

Marshal's Return.

Received 11th April, 1831; served personally on Samuel I. Peters the same day, and made return into court.

S. HORNE, *Dy. Marshal.*

Citation against Thomas Toby.

The President of the United States of America to the Marshal of the Eastern district of Louisiana, or his lawful deputy, greeting:

Your are hereby commanded to cite Thos. Toby, so that he be and appear at the district court of the United States for the Eastern district of Louisiana, to be holden in the city of New Orleans, on the 3d Monday of May, 1831, to answer the complaint of the United States, and that he do file his defence or answer with the clerk of said court on or before the same, or judgment will be given against him by default; and have you then and there this writ. Witness, the Hon. Samuel H. Harper, judge of said court, at the city of New Orleans, this 6th day of April, 1831, and 55th year of the independence of the United States.

F. W. LEA, *Clerk.*

Le Prèsident des Etats Unis d'Amèrique au Marechal du District Oriental de la Louisiane, au á sou Depute duement autorise, salut:

Vous étes commandé de citer Thomas Toby, pour qu'il àit á comparaître à la cour district des Etats Unis pour le district Oriental de la Louisiane, qui siégera dans la ville de la Nouvelle Orleans, le 3eme. Lundi de Mai, 1831, à l' effet de repondre á la plainte des Etats Unis, et d' y remettre rèponse au défense au greffier de la dite cour avant au le même jour; faute de quoi, jugement par defaut sera rendre contre lui et vous ferez votre rapport de cet ordre.

Temoin, l' Honorable Samuel H. Harper, juge de la dite cour á la ville de la Nouvelle Orleans, ce 6eme. jour d' Avril, 1831, et le 55eme. année de l' independance des Etats Unis.

F. W. LEA, *Greffier.*

Received 11th April, 1831; served on Thos. Toby by leaving a copy at his domicil the same day, and returned into court.

SIMEON HORNE, *Dy. Marshal.*

The first named defendant, Seaman Field, having been duly cited to answer the complaint of the United States on or before the 3d Monday of May, 1831, into the said court came by his attorneys, and, on the 17th day of May, 1831, filed his answer to the said petition of the United States, as follows, to wit:

THE UNITED STATES, *vs.* SYNDICS OF L. E. BROWN. } No. 3025. Filed 17th May, 1831.

The answer of Seaman Field, one of said syndics, to the petition herein filed, showeth, that it is truly alleged in said petition that this respondent, in his capacity as syndic, in conjunction with the other syndics therein mentioned, have taken possession of the property of the said Lewis E. Brown, by him assigned and transferred to his said *said* syndics or assignees for the benefit of, and distribution among, his creditors; that this respondent acts in his capacity as syndic aforesaid in virtue of certain judicial proceedings had in the parish court for the parish and city of New Orleans, to which reference is for greater certainty, and an exemplification of which will in due time be exhibited, and which he prays may be taken as a part of this answer:

That, in virtue of said proceedings under the local laws of Louisiana, the said property, so assigned, was sold by said syndics on a credit of one, two, and three years; that, out of the proceeds of sale, when the same shall be received, are to be paid certain privileged and mortgaged creditors who are preferred to the United States:

That this respondent, nor the syndics of said Lewis E. Brown, have no funds belonging to the estate of said Brown; all the property ceded by him having been sold on a credit, for which promissory notes were taken, which credit has not yet expired, nor have said notes been paid.

This respondent, further answering, says, that he denies all the other allegations in said petition set forth not expressly admitted by this answer; and especially that he, as syndic, has done any thing or act which, by the laws of the United States, render him responsible in any manner and form as is demanded in said petition, or that he is liable in any manner whatever in his private capacity, as is in said petition set forth, and prays a trial by jury.

Respondent further says, that said syndics sold the household furniture and other moveables of said Brown, at six months' credit, for $, which sum has been received and paid away in law charges, house rent, and other charges privileged upon said estate, and preferred to the United States, as stated in the account annexed to No 3,022.

CARLETON & LOCKETT, *for Deft.*

The second named defendant, Saml. I. Peters, having been duly cited to answer the petition of the United States on or before the 3d Monday of May, 1833, into the said court, by his attorneys, came, and on the 17th May, 1831, to the said petition of the United States made the following answer to wit:

THE UNITED STATES, *vs.* SYNDICS L. E. BROWN. } No. 3025. Filed 17th May, 1831.

The answer of Samuel I. Peters, one of said syndics, to the petition herein filed, showeth, that it is truly alleged in said petition that this respondent, in his capacity as syndic, in conjunction with the other syndics therein mentioned, have taken possession of the property of the said L. E. Brown, by him assigned and transferred to his said syndics or assignees, for the benefit of, and distribution among, his creditors; that this respondent acts in his capacity as syndic aforesaid in virtue of certain judicial proceedings had in the parish court for the parish and city of New Orleans, to which reference is made for greater certainty, and an exemplification of which will in due time be exhibited, and which he prays may be taken as a part of this answer.

That, in virtue of said proceedings under the local laws of Louisiana, the said property, so assigned, was sold on a credit of one, two, and three years; that out of the proceeds of sale, when the same shall be received, are to be paid certain privileged and mortgaged creditors who are preferred to the United States.

That this respondent, nor the syndics of said L. E. Brown, have no funds belonging to the estate of said Brown, all the property ceded by him having been sold on a credit, for which promissory notes were taken, which credit has not yet expired, nor have said notes been paid.

This respondent, further answering, says, that he denies all the other allegations in said petition set forth, not expressly admitted by this answer, and especially that he, as syndic, has done any thing or act which, by the laws of the United States, render him responsible in manner and form as is demanded in said petition, or that he is liable in any manner whatever in his private capacity, as is in said petition set forth, and prays a trial by jury.

This respondent further says, that said syndics sold the household furniture and certain other moveables belonging to said Brown, for $, which sum has been received and paid away in law charges, house rent, and other charges privileged upon said estate, and preferred to the debt due to the United States, as stated in the account annexed to answer No. 3,022.

CARLETON & LOCKETT, *for Defts.*

The third named defendant, Thos. Toby, having been duly cited to answer the complaint of the United States on or before the 3d Monday of May, 1831, into the said court came by his attorneys, and to the said petition of the United States on the 17th day of May, 1831, filed the following answer, to wit:

THE UNITED STATES, *vs.* SYNDICS OF L. E. BROWN. } No. 3025. Filed 17th May, 1831.

The answer of Thomas Toby, one of said syndics, to the petition herein filed, showeth: That it is truly alleged in said petition that this respondent, in his capacity as syndic, in conjunction with the other syndics therein mentioned, have taken possession of the property of the said L. E. Brown, by him assigned and transferred to his said syndics, or assignees, for the benefit of, and to be distributed among, his creditors; that this respondent acts in his capacity as syndic aforesaid, in virtue of certain judicial proceedings had in the parish court for the parish and city of New Orleans, to which reference is had for greater certainty, and an exemplification of which will in due time be exhibited, and which he prays may be taken as a part of this answer.

That, in virtue of said proceedings under the local laws of Louisiana, the said property, so assigned, was sold by said syndics on a credit of one, two, and three years; that, out of the proceeds of sale, when the same shall be received, are to be paid certain privileged and mortgaged creditors who are preferred to the United States

That this respondent, nor the syndics of said Lewis E. Brown, have no funds belonging to the estate of said Brown, all the property ceded by him having been sold on a credit, for which promissory notes were taken; which credit has not yet expired, nor have said notes been paid.

This respondent, further answering, says, that he denies all the other allegations in said petition set forth, not expressly admitted by this answer, and especially that he, as syndic, has done any thing or act which, by the laws of the United States, render him responsible in manner and form as is demanded in said petition, or that he is liable in any manner, in his private capacity, as is in said petition set forth, and prays a trial by jury.

This respondent further says, that said syndics sold the household furniture and certain other moveables belonging to said Brown, for $, which sum has been received and paid away in law charges, house rent, and other charges privileged upon said estate, and preferred to the debt due the United States, in their account annexed to No. 3,022.

CARLETON & LOCKETT, *for Defendant.*

EASTERN DISTRICT OF LOUISIANA, *ss.*

Be it remembered that, on the 30th March, 1831, into the court of the United States for the Eastern district of Louisiana, came the United States of America, by John Slidell, their attorney in and for the said district, and against Seaman Field, Sam. I. Peters, and Thomas Toby, syndics of the estate of L. E. Brown, filed their petition of complaint in words and figures as follows, to wit:

To the Hon. Sam. H. Harper, Judge of the District Court of the United States for the Eastern district of Louisiana:

The petition of the United States, by John Slidell, their attorney for the said district, shows that one Lewis E. Brown did, on the 3d December, 1829, execute a certain bond or writing obligatory, by which he acknowledged himself to be indebted to the United States in the sum of thirteen hundred and ninety-six dollars; that suit having been brought on said bond against the said Lewis E. Brown before your honor, judgment was obtained thereon on the 22d February, 1831, for the said sum, to be

satisfied by the payment of six hundred and ninety-eight dollars, with interest at six per centum per annum from 3d December, 1830, until paid, with costs of suit, as will appear from record of said suit, No. 2,963, of the files of this court: That said Lewis E. Brown failed, and became insolvent, and made a voluntary surrender of all his property to his creditors under the laws of Louisiana, on or about the 26th April, 1830: That Seaman Field, Samuel I. Peters, and Thomas Toby, all residing in New Orleans, were appointed syndics or assignees of his creditors, and, in that capacity, have received and taken possession of all the property, real and personal, of said Lewis E. Brown, and have sold and disposed of the same—to an amount far exceeding the debt due by him to the United States: That, at the time of receiving and taking possession of said property as aforesaid, they well knew of the existence of the debt due by said L. E. Brown to the United States:

That an amicable demand has been made upon them to pay the amount of the aforesaid judgment, with the costs thereon, amounting to $59 66⅔ but that they have neglected and refused to pay the same or any part thereof. The United States pray that said Seaman Field, Saml. I. Peters, and Thomas Toby, be cited to answer this petition, and that, after due proceedings had, they be codemned to pay, jointly and severally, the amount of the judgment aforesaid, with interests and costs.

JOHN SLIDELL, *District Attorney.*

Citation against Seaman Field.

The President of the United States of America to the Marshal of the Eastern District of Louisiana, or his lawful Deputy, greeting:

You are hereby commanded to cite Seaman Field, so that he be and appear at the district court of the United States for the Eastern district of Louisiana, to be holden in the city of New Orleans, on the third Monday of May, 1831, to answer the complaint of the United States, and that he do file his defence or answer with the clerk of said court on or before the same, or judgment will be given against him by default; and have you then and there this writ.

Witness, the Hon. Sam. H. Harper, judge of the said court, at the city of New Orleans, this 12th day of April, 1831, and 55th year of the independence of the United States.

L. M. DAVIDSON, *Dy. Clerk.*

Le Président des Etats Unis d'Amerique, au Marechal du District Oriental de la Louisiane, au à sou Deputé duement autorise, salut:

Vous étes commandé de citer Seaman Field, pour qu'il ait à comparaître à la cour de district des Etats Unis pour le district Oriental de la Louisiane, qui siegera dans la ville de la Nouvelle Orleans, le 3eme. Lundi de Mai, 1831, á l'effet de rèpondre á la plainte des Etats Unis et d'y remettre reponse au defense au greffier de la dite cour, avant au le même jour; faute de quoi, jugement par defaut sera rendre contre lui et vous ferez votre rapport de cet ordre.

Temoin, l'Honorable Samuel H. Harper, juge de la dite cour, à la ville de la Nouvelle Orleans, ce 12eme. jour d' Avril, 1831, et la 55eme. année de l' independance des Etats Unis.

L. M. DAVIDSON, D—

The foregoing citation against Seaman Field was placed in the hands of the marshal for service, and by him returned into court, with the following return:

Marshal's Return.

Received 12th April, 1831; served personally on Seaman Field the same day, and returned into court.

SIMEON HORNE, *Dy. Marshal.*

Citation against Saml. I. Peters.

The President of the United States of America to the Marshal of the Eastern District of Louisiana, or his lawful Deputy, greeting:

You are hereby commanded to cite Samuel I. Peters, so that he be and appear at the district court of the United States for the Eastern district of Louisiana, to be holden in the city of New Orleans, on the 3d Monday of May, 1831, to answer the complaint of the United States, and that he do file his defence or answer with the clerk of the said court on or before the same, or judgment will be given against him by default; and have you then and there this writ.

Witness, the Hon. Saml. H. Harper, judge of said court, at the city of New Orleans, this 12th day of April, 1831, and 55th year of the independence of the United States.

L. M. DAVIDSON, *Dy. Clerk.*

Le Président des Etats Unis d'Amerique, au Marèchal du District Oriental, au à sou Depute duement autorise, salut:

Vous étes commandé de citer Samuel I. Peters, pour qu'il ait à comparaître à la cour de district des Etats Unis pour le district Oriental de la Louisiane, qui siégera dans la ville de la Nouvelle Orleans, le 3eme. Lundi de Mai, 1831, á l' effet de rèpondre á la plainte des Etats Unis et d'y remettre reponse au défense au greffier de la dite cour, avant au le même jour; faute de quoi, jugement par defaut sera rendre contre lui et vous ferez votre rapport de cet ordre.

Temoin, l' Honorable Samuel H. Harper, juge de la dite cour, á la ville de la Nouvelle Orleans, ce 12eme. jour d' Avril, 1831, et la 55eme. année de l' independance des Etats Unis.

L. M. DAVIDSON, *Dy. Greffier.*

The foregoing citation was placed in the hands of the marshal for service, and by him returned into court, with the following return, to wit:

Marshal's Return.

Received 12th April, 1831; served on S. I. Peters, by leaving a copy at his domicil the same day, and returned into court.

SIMEON HORNE, *Dy. Marshal.*

Citation against Thomas Toby.

The President of the United States of America to the Marshal of the Eastern District of Louisiana, or his lawful Deputy, greeting:

You are hereby commanded to cite Thomas Toby, so that he be and appear at the district court of the United States for the Eastern district of

Louisiana, to be holden in the city of New Orleans, on the 3d Monday of May, 1831, to answer the complaint of the United States, and that he do file his defence or answer with the clerk of said court on or before the same, or judgment will be given against him by default; and have you then and there this writ.

Witness, the Hon. Saml. H. Harper, judge of said court, at the city of New Orleans, this 12th day of April, 1831, and 55th year of the independence of the United States.

L. M. DAVIDSON, *Dy. Clk.*

Le Président des Etats Unis d'Amerique au Maréchal du District Oriental de la Louisiane, au á sou Depute duement autorise, salut:

Vous étes commandé de citer Thomas Toby, pour qu'il ait à comparaître á la cour de district des Etats Unis pour le district Oriental de la Louisiane, qui siegera dans la ville de la Nouvelle Orleans, le 3eme. Lundi de Mai, 1831, á l'effet de repondre à la plainte des Etats Unis et d'y remettre reponse au defense au greffier de la dite cour, avant au le même jour; faute de quoi, jugement par defaut sera rendre contre lui et vous ferez votre rapport de cet ordre.

Temoin, l' Honorable Saml. H. Harper, juge de la dite cour á la ville de la Nouvelle Orleans, ce 12eme. jour d' Avril, 1831, et le 55eme. année de l' independance des Etats Unis.

L. M. DAVIDSON, *Dy. Greffier*

The foregoing citation was placed in the hands of the marshal for service, and by him, on the 12th April, 1831, returned into court, with the following return, to wit:

Marshal's Return.

Received 12th April, 1831, served on Thomas Toby by leaving at his domicil the same day, and returned into court.

SIMEON HORNE, *Dy. Marshal.*

The first named defendant, S. Field, having been duly cited to answer the complaint of the United States on or before the 3d Monday of May, 1831, into the said court came, by his attorneys, and on the 17th day of May, 1831, filed to the said complaint his answer as follows, to wit:

The UNITED STATES, *vs.* SYNDICS of L. E. BROWN. } *No.* 3,026. *Filed* 17*th May*, 1831.

The answer of Seaman Field, one of said syndics, to the petition herein filed, showeth:

That it is truly alleged in said petition that this respondent, in his capacity as syndic, in conjunction with the other syndics therein mentioned, have taken possession of the property of the said Lewis E. Brown, by him assigned or transferred to his said syndics or assignees for the benefit of, and distribution among his creditors: That this respondent acts in his capacity as syndic aforesaid in virtue of certain judicial proceedings had in the parish court for the parish and city of New Orleans, to which reference is had for greater certainty, and an exemplification of which will, in due time, be exhibited, and which he prays may be taken as a part of this answer:

That, in virtue of said proceedings under the local laws of Louisiana, the property, so assigned, was sold on a credit of one, two, and three years; that, out of the proceeds of sale, when the same shall be received, are to be paid certain privileged and mortgaged creditors, who are preferred to the United States:

That this respondent, nor the syndics of said Lewis E. Brown, have no funds belonging to the estate of said Brown, all the property ceded by him having been sold on a credit, for which promissory notes were taken, which credit has not yet expired, nor have said notes been paid.

This respondent, further answering, says, that he denies all the other allegations in said petition set forth, not expressly admitted by this answer, and especially that he, as syndic, has done any thing or act which, by the laws of the United States, render him responsible in manner and form as is demanded in said petition, or that he is liable in any manner whatever in his private capacity, as is in said petition set forth, and prays a trial by jury.

Respondent further says, that said syndics sold the household furniture and other moveables of said Brown, at six months' credit, for $ ——, which sum has been received and paid away in law charges, house rent, and other charges privileged upon said estate, and preferred to the United States, as stated in the account annexed to No. 3,022.

CARLETON & LOCKETT, *for Defendant.*

The second named defendant, Samuel I. Peters, having been cited to answer the complaint of the United States on or before the 3d Monday of May, 1831, into the said court came, by his attorneys, and on the 17th day of May, 1831, filed his answer to the said complaint of the United States, as follows, to wit:

The United States, *vs.* Syndics of L. E. Brown. } *No.* 3,026. *Filed* 17*th May*, 1831.

The answer of Samuel I. Peters, one of said syndics, to the petition herein filed, showeth:

That it is truly alleged in said petition, that this respondent, in his capacity as syndic, in conjunction with the other syndics therein mentioned, have taken possession of the property of the said L. E. Brown, by him assigned and transferred to his said syndics or assignees for the benefit of, and distribution among his creditors: That this respondent acts in his capacity as syndic in virtue of certain judicial proceedings had in the parish court for the parish and city of New Orleans, to which reference is had for greater certainty, and an exemplification of which will, in due time, be exhibited, and which he prays may be taken as part of this answer:

That, in virtue of said proceedings under the local laws of Louisiana, the said property so assigned was sold on a credit of one, two, and three years; that out of the proceeds of sale, when the same shall be received, are to be paid certain privileged and mortgaged creditors, who are preferred to the United States:

That this respondent, nor the syndics of said L. E. Brown, have no funds belonging to the estate of said Brown, all the property ceded by him having been sold on a credit, for which promissory notes were taken, which credit has not yet expired, nor have said notes been paid.

This respondent, further answering, says, that he denies all the other allegations in said petition set forth, not expressly admitted by this answer; and especially that he, as syndic, has done any thing or act which, by the laws of the United States, render him responsible, in manner and form as is demanded in said petition, or that he is liable in any manner whatever in his private capacity, as is in said petition set forth, and prays a trial by jury.

This respondent further says, that said syndics sold the household furniture, and certain other moveables belonging to said Brown, for $—, which sum has been received and paid away in law charges privileged upon said estate, and preferred to the debt due the United States, as stated in the account annexed to answer No. 3,022.

CARLETON& LOCKETT.

The third named defendant, Thomas Toby, having been duly cited to answer complaint of the United States on or before the third Monday of May, 1831, into the said court came, on the seventeenth day of May, 1831, and to the said complaint of the United States, by his attorneys, and filed his answer, as follows, to wit:

The UNITED STATES, *vs.* SYNDICS OF L. E. BROWN. } *No.* 3,026. *Filed* 17*th May*, 1831.

The answer of Thomas Toby, one of said syndics, to the petition herein filed, showeth:

That it is truly alleged in said petition that this respondent, in his capacity as syndic, in conjunction with the other syndics therein mentioned, have taken possession of the property of the said L. E. Brown, by him assigned and transferred to his said syndics or assignees for the benefit of, and distribution among his creditors: That this respondent acts in his capacity as syndic aforesaid, in virtue of certain judicial proceedings had in the parish court for the parish and city of New Orleans, which reference is for greater certainty, and an exemplification of which will, in due time, be exhibited, and which he prays may be taken as a part of this answer:

That, in virtue of said proceedings under the local laws of Louisiana, the said property, so assigned, was sold by said syndics on a credit of one, two, and three years; that out of the proceeds of sale, when the same shall be received, are to be paid certain privileged and mortgaged creditors, who are preferred to the United States:

That this respondent, nor the syndics of said Lewis E. Brown, have no funds belonging to the estate of said Brown, all the property ceded by him having been sold on a credit for which promissory notes were taken, which credit has yet expired, nor have said notes been paid.

This respondent, further answering, says, that he denies all the other allegations in said petition set forth not expressly admitted by this answer, and especially that he, as syndic, has done any thing or act which, by the laws of the United States, render him responsible in manner and form as is demanded in said petition, or that he is liable in any manner whatever in his private capacity, as is in said petition set forth, and prays a trial by jury.

This respondent further says, that said syndics sold the household furniture and certain other moveables, belonging to said Brown, at six months' credit, for $—, which sum has been received and paid away in law charges,

house rent, and other charges privileged upon said estate, and preferred to the debt due to the United States, as stated in the account annexed to answer No. 3,022.

CARLETON & LOCKETT, *for Def't.*

EASTERN DISTRICT OF LOUISIANA, *ss.*

Be it remembered that, on the 30th March, 1831, into the court of the United States for the Eastern district of Louisiana, came the United States of America by John Slidell their attorney for the said district, and against Seaman Field, Samuel I. Peters, and Thomas Toby, syndics of the estate of Lewis E. Brown, filed the following petition of complaint, to wit:

No. 3,027.

To the Hon. Samuel H. Harper, Judge of the district court of the United States for the Eastern district of Louisiana:

The petition of the United States, by John Slidell, their attorney for the said district, shows, that one Lewis E. Brown did, on the 11th Jan. 1830, execute a certain bond or writing obligatory, by which he acknowledged himself to be indebted to the United States in the sum of one thousand and sixty-two dollars; that suit having been brought on said bond against the said Lewis E. Brown before your honor, judgment was obtained thereon on the 22d February, 1831, for the said sum, to be satisfied by the payment of five hundred and thirty-one dollars, with interest at six per centum per annum, from 9th January, 1831, until paid, and costs of suit, as will appear from record of said suit, No. 2,986, on files of this court; that said Lewis E. Brown failed and became insolvent, and made a voluntary surrender of all his property to their creditors, under the laws of Louisiana, on or about the 26th April, 1830; that Seaman Field, Samuel I. Peters, and Thomas Toby, all residing in New Orleans, were appointed syndics or assignees of his creditors, and in that capacity have received and taken possession of all the property, real and personal, of said Lewis E. Brown, and have sold and disposed of the same to an amount far exceeding the debt due by him to the United States; that, at the time of thus receiving and taking possession of said property as aforesaid, they well knew of the existence of the debt due by said Lewis E. Brown to the United States; that an amicable demand has been made upon them to pay the amount of the aforesaid judgment, with the costs thereon, amounting to $61 33¼, but that they have neglected and refused to pay the same or any part thereof: the United States pray that Seaman Field, Samuel I. Peters, and Thomas Toby, be cited to answer this petition, and that, after due proceedings had, they be condemned to pay jointly and severally, the amount of the judgment aforesaid, with interest and costs.

JOHN SLIDELL, *Dist. Attorney.*

Citation against Seaman Field.

The President of the United States of America to the Marshal of the Eastern District of Louisiana, or his lawful Deputy, greeting:

You are hereby commanded to cite Seaman Field, so that he be and appear at the district court of the United States for the Eastern district of Louisiana, to be holden in the city of New Orleans on the 3d Monday of May, 1831, and that he do file his defence or answer with the clerk of said court, on or before the same, or judgment will be given against him by default; and have you then and there this writ.

Witness, the Hon. Samuel H. Harper, judge of the said court, at the city of New Orleans, this 11th day of April, 1831, and 55th year of the indedence of the United States.

L. M. DAVIDSON, *Dy. Clerk.*

Le Prèsident des Etats Unis d' Amerique au Marèchal du District Oriental de la Louisiane, au à sou Deputè duement autorise, salut:

Vous êtes commandé de citer Seaman Field, pour qu'il ait à comparaître à la cour de district des Etats Unis pour le district Oriental de la Louisiane, qui siégera dans la ville de la Nouvelle Orleans, le 3eme. Lundi de Mai, 1831, à l' effet de repondre à la plainte des Etats Unis et d' y remettre, réponse au defense au greffier de la dite cour, avant au le même jour; faute de quoi, jugement par defaut sera rendre contre lui et vous ferez votre rapport de cet ordre.

Temoin, l' Honorable Samuel H. Harper, jugè de la dite cour á la ville de la Nouvelle Orleans, ce 11eme. jour de Avril, 1831, et la 55eme. année de l' independance des Etats Unis.

L. M. DAVIDSON, *Dy. Greffier.*

The foregoing citation was placed in the hands of the marshal for service; and by him, on the 12th April, 1831, returned into court with the following return, to wit:

Marshal's Return.

"Received 12th April, 1831; served personally on Seaman Field the same day, and returned into court.

SIMEON HORNE, *Dy. Marshal.*

Citation against Samuel I. Peters.

The President of the United States of America to the Marshal of the Eastern District of Louisiana, or his lawful Deputy, greeting:

You are hereby commanded to cite Samuel I. Peters, so that he be and appear at the district court of the United States for the Eastern district of Louisiana, to be holden in the city of New Orleans, on the 3d Monday of May, 1831, to answer the complaint of the United States, and that he do file his defence or answer with the clerk of said court on or before the same, or judgment will be given against him by default; and have you then and there this writ.

Witness, the Hon. Samuel H. Harper, judge of the said court, at the city of New Orleans, this 11th day of April, 1831, and 55th year of the independence of the United States.

L. M. DAVIDSON, *Dy. Clerk.*

Le Prèsident des Etats Unis d'Amerique au Marèchal du District Oriental de la Louisiane, au á sou Depute duement autorise, salut:

Vous êtes commandé de citer Samuel I. Peters, pour qu'il ait à comparaître á la cour de district des Etats Unis pour le district Oriental de la Louisiane, qui siégera dans la ville de la Nouvelle Orleans, le 3eme. Lundi de Mai, 1831, á l' effet de repondre à la plainte des Etats Unis, et d' y remettre reponse au defense au greffier de la dite cour, avant au le même jour; faute de quoi,

jugement par defaut sera rendre contre lui et vous ferez votre rapport de cet ordre.

Temoin, l' Honorable Samuel H. Harper, juge de la dite cour á la ville de la Nouvelle Orleans, ce 11eme. jour de Avril, 1831, et la 55eme. année de l' independance des Etats Unis.

L. M. DAVIDSON, *Dy.*

The foregoing citation was placed in the hands of the marshal for service, and by him, on the 12th April, 1831, returned into court, with the following return, to wit:

Marshal's Return.

Received 12th April, 1831; served on S. I. Peters by leaving a copy at his domicil the same day, and returned into court.

SIMEON HORNE, *Dy. Marshal.*

Citation against Thomas Toby.

The President of the United States to the Marshal of the Eastern district of Louisiana, or his lawful deputy, greeting:

Your are hereby commanded to cite Thos. Toby, so that he be and appear at the district court of the United States for the Eastern district of Louisiana, to be holden in the city of New Orleans, on the 3d Monday of May, 1831, to answer the complaint of the United States, and that he do file his defence or answer with the clerk of said court on or before the same, or judgment will be given against him by default; and have you then and there this writ. Witness, the Hon. Samuel H. Harper, judge of the said court, at the city of New Orleans, this 12th day of April, 1831, and 55th year of the independence of the United States.

L. M. DAVIDSON, *Dy. Clerk.*

Le Prèsident des Etats Unis d'Amèrique au Marechal du District Oriental de la Louisiane, au á son Depute duement autorise, salut:

Vous étes commandé de citer Thomas Toby, pour qu'il ài t á comparaître à la courde district des Etats Unis pour le district Oriental de la Louisiane, qui siégera dans la ville de la Nouvelle Orleans, le 3eme. Lundi de Mai, 1831, à l' effet de repondre á la plainte des Etats Unis, et d' y remettre rèponse au défense au greffier de la dite cour avant au le même jour; faute de quoi, jugement par defaut sera rendre contre lui et vous ferez votre rapport de cet ordre.

Temoin, l' Honorable Samuel H. Harper, juge de la dite cour á la ville de la Nouvelle Orleans, ce 12eme. jour d' Avril, 1831, et le 55eme. année de l' independance des Etats Unis.

L. M. DAVIDSON, *Dy. Greffier.*

The foregoing citation was placed in the hands of the marshal for service, and by him, on the 12th April, 1831, returned into court, with the following return, to wit:

Marshal's Return.

Received 12th April, 1831; served same day on Thomas Toby, by leaving a copy at his domicil the same day, and returned into court.

SIMEON HORNE, *Dy. Marshal.*

The first named defendant, Seaman Field, having been duly cited to answer the complaint of the United States on or before the 3d Monday of May, 1831, into the said court came by his attorneys, and, on the 17th day of May, 1831, filed his answer to the said complaint of the United States, as follows, to wit:

THE UNITED STATES, *vs.* SYNDICS OF L. E. BROWN. } No. 3027. Filed 17th May, 1831.

The answer of Seaman Field, one of said syndics, to the petition herein filed, showeth, that it is truly alleged in said petition that this respondent, in his capacity as syndic. in conjunction with the other syndics therein mentioned, have taken possession of the property of the said L. E. Brown, by him assigned and transferred to his said syndics or assignees for the benefit of, and distribution among, his creditors; that this respondent acts in his capacity as syndic aforesaid in virtue of certain judicial proceedings had in the parish court for the parish and city of New Orleans, to which reference is had for greater certainty, and an exemplification of which will in due time be exhibited, and which he prays may be taken as a part of this answer:

That, in virtue of said proceedings under the local laws of Louisiana, the said property, so assigned, was sold on a credit of one, two, and three years; that, out of the proceeds of sale, when the same shall be received, are to be paid certain privileged and mortgaged creditors who are preferred to the United States:

That this respondent, nor the syndics of said Lewis E. Brown, have no funds belonging to the estate of said Brown; all the property ceded by him having been sold on a credit, for which promissory notes were taken, which credit has not yet expired, nor have said notes been paid.

This respondent, further answering, says, that he denies all the other allegations in said petition set forth not expressly admitted by this answer; and especially that he, as syndic, has done any thing or act which, by the laws of the United States, render him responsible in manner and form as is demanded in said petition, or that he is liable in any manner whatever in his private capacity, as is in said petition set forth, and prays a trial by jury.

This respondent further says, that said syndics sold the household furniture and certain other moveables belonging to said Brown, for $——, which sum has been received and paid away in law charges, house rent, and other charges privileged upon said estate, and preferred to the debt due the United States, as stated in the account annexed to No. 3,022.

CARLETON & LOCKETT, *for Deft.*

The second named defendant, Saml. I. Peters, having been duly cited to answer the complaint of the United States on or before the 3d Monday of May, 1831, into the said court came on the 17th day of May, 1831, and to the said complaint of the United States, by his attorneys, filed the following answer to wit:

THE UNITED STATES, *vs.* SYNDICS OF L. E. BROWN. } No. 3,027. Filed 17th May, 1831.

The answer of Samuel I. Peters, one of said syndics, to the petition herein filed, showeth, that it is truly alleged in said petition that this respondent, in

his capacity as syndic, in conjunction with the other syndics therein mentioned, have taken possession of the property of the said L. E. Brown, by him assigned and transferred to his said syndics or assignees, for the benefit of, and distribution among, his creditors; that this respondent acts in his capacity as syndic aforesaid in virtue of certain judicial proceedings had in the parish court for the parish and city of New Orleans, to which reference is had for greater certainty, and an exemplification of which will in due time be exhibited, and which he prays may be taken as a part of this answer.

That, in virtue of said proceedings under the local laws of Louisiana, the said property, so assigned, was sold on a credit of one, two, and three years; that out of the proceeds of sale, when the same shall be received, are to be paid certain privileged and mortgaged creditors who are preferred to the United States.

That this respondent, nor the syndics of said L. E. Brown, have no funds belonging to the estate of said Brown, all the property ceded by him having been sold on a credit, for which promissory notes were taken, which credit has not yet expired, nor have said notes been paid

This respondent, further answering, says, that he denies all the other allegations in said petition set forth, not expressly admitted by this answer, and especially that he, as syndic, has done any thing or act which, by the laws of the United States, render him responsible in manner and form as is demanded in said petition, or that he is liable in manner whatever in his private capacity, as is in said petition set forth, and prays a trial by jury.

This respondent further says, that said syndics sold the household furniture and certain other moveables belonging to said Brown, for $, which sum has been received and paid away in law charges, house rent, and other charges privileged upon said estate, and preferred to the debt due the United States, as stated in the account annexed to answer No. 3,022.

CARLETON & LOCKETT, *for Deft.*

The third named defendant, Thos. Toby, having been duly cited to answer the complaint of the United States on or before the 3d Monday of May, 1831, into the said court came on the 17th May, 1831, and to the said complaint of the United States, by his attorneys, filed the following answer, to wit:

THE UNITED STATES, *vs.* SYNDICS OF L. E. BROWN. } No. 3,027. Filed 17th May, 1831.

The answer of Thomas Toby, one of said syndics, to the petition herein filed, showeth, that it is truly alleged in said petition that this respondent, in his capacity as syndic, in conjunction with the other syndics therein mentioned, have taken possession of the property of the said Lewis E. Brown, by him assigned and transferred to his said syndics, or assignees, for the benefit of, and distribution among, his creditors; that this respondent acts in his capacity as syndic aforesaid, in virtue of certain judicial proceedings had in the parish court for the parish and city of New Orleans, to which reference is for greater certainty, *an* an exemplification of which will in due time be exhibited, and which he prays may be taken as a part of this answer.

That, in virtue of said proceedings under the local laws of Louisiana, the said property, so assigned, was sold by said syndics on a credit of one, two,

and three years; that, out of the proceeds of sale, when the same shall be received, are to be paid certain privileged and mortgaged creditors who are preferred to the United States.

That this respondent, nor the syndics of said Lewis E. Brown, have no funds belonging to the estate of said Brown, all the property ceded by him having been sold on a credit, for which promissory notes were taken; which credit has not yet expired, nor have said notes been paid.

This respondent, further answering, says, that he denies all other allegations in said petition set forth, not expressly admitted by this answer, and especially that he, as syndic, has done any thing or act which, by the laws of the United States, render him responsible in manner and form as is demanded in said petition, or that he is liable in any manner whateve , in his private capacity, as is in said petition set forth, and prays a trial by jury.

This respondent further says, that said syndics sold the household furniture and certain other moveables of said Brown, at six months' credit, for $, which sum they have received and paid away in law charges, house rent, and other charges privileged upon said estate, and preferred to the debt due United States, as stated in the account annexed to answer No. 3,022.

CARLETON & LOCKETT, *for Defendant.*

Order of Court.

SATURDAY, MAY 21, 1831.

The court met pursuant to adjournment.—Present, Hon. Sam'l H. Harper.

THE UNITED STATES, *vs.* SYNDICS OF L. E. BROWN. } No. 3,019.

On motion of the district attorney, ordered that the defendants in this case do file in court, on or before Monday the 30th inst., a detailed statement of all the property which they may have received as syndics or assignees of Lewis E. Brown, and of the sales or other disposition which they may have made of the same.

MONDAY, MAY 30, 1831.

The court met pursuant to adjournment.—Present, Hon. Sam'l H. Harper.

THE UNITED STATES, *vs.* SYNDICS OF L. E. BROWN. } No. 3,019.

On motion of H. Lockett, of counsel for defendants, and with consent of the district attorney, ordered that the rule taken in these cases on the 21st May, be continued until Thursday, the 2d inst.

Order of Court.

THURSDAY, JUNE 2, 1831.

The court met pursuant to adjournment.—Present, Hon. Sam'l H. Harper.

THE UNITED STATES, *vs.* SYNDICS OF L. E. BROWN. } No. 3,019.

In pursuance of an order of court to that effect, made on the 21st May last, the defendants this day filed in court the account required in said order.

Account referred to in the foregoing orders of Court, filed 2d June, 1831.

Sale of real estate and slaves belonging to the estate of Lewis E. Brown; the former at one, two, and three years, and the latter at 12 months' credit; notes given as follows; sold as syndics or assignees of L. E. Brown:

One due 31st July,	1831, for	$ 480	00
One due 31st July,	1832, for	381	25
One due 31st July,	1833, for	381	25
One due 31st July,	1831, for	525	00
One due 31st July,	1832, for	525	00
One due 31st July,	1833, for	525	00
One due 31st July,	1831, for	1,616	66⅔
One due 31st July,	1832, for	1,616	66⅔
One due 31st July,	1833, for	1,616	66⅔
One due 31st July,	1831, for	595	83⅓
One due 31st July,	1832, for	595	83⅓
One due 31st July,	1833, for	595	83⅓
One due 30th August,	1831, for	108	33⅓
One due 30th August,	1832, for	108	33⅓
One due 30th August,	1833, for	108	33⅓
One due 31st July,	1831, for	422	22
One due 31st July,	1832, for	422	22
One due 31st July,	1833, for	422	22
One due 31st October,	1831, for	600	00
One due 31st October,	1832, for	600	00
One due 31st October,	1833, for	600	00
One due 31st October,	1831, for	333	33
One due 31st October,	1832, for	333	33
One due 31st October,	1833, for	333	33
One due 31st October,	1831, for	333	33
One due 31st October,	1832, for	333	33
One due 31st October,	1833, for	333	33
One due 31st October,	1831, for	2,400	00
On due 31st October,	1832, for	2,400	00
One due 31st October,	1833, for	2,400	00
One due 31st October,	1831, for	2,433	33
One due 31st October,	1832, for	2,433	33
One due 31st October,	1833, for	2,433	33
One due 31st October,	1831, for	2,700	00
One due 31st October,	1832, for	2,700	00
One due 31st October,	1833, for	2,700	00
31st July,	1831,	560	00 } Slaves.
31st ——	1831,	1,000	00 }
		39,006	63 total amount.

Judicial proceedings in the Parish Court for the Parish and City of New Orleans, in relation to the estate of L. E. Brown, and referred to in the answers of the syndics of said estate.

Tableau of distribution estate Lewis E. Brown, first instalment.

Names creditors.	Nature of debts	Amount.	Ratio.	Pro. to ea.	Total.
Balance of cash in hand to be divided as follows:				- -	$9,536 78
Peters & Millard	Mortgage & int. to 3d Dec. 1831.	7,871 70	35 25	2,774 80	
Jas. H. Field & Co.	Do. do.	11,261 16	——	3,969 82	
Russell & Ball	Do. do.	1,157 44	——	407 91	
Thompson & Grant	Do. do.	3,443 97	——	1,213 85	
Ogier & Williams	Do. do.	3,220 80	——	1,170 41	
		27,055 07			9,536 78

E. E. New Orleans, 3d December, 1831.

Nothing this instalment for the ordinary creditors.

Dr. *Statement of moneys received and disbursed by the syndics.*

Cash paid, city, parish, and state taxes			$152 95
Licenses due on billiard tables and tavern			235 00
Ground rents on property			68 00
William Christy, notary public			397 50
Waggaman & Miller, professional services			500 00
Argus, for advertising	$214 00		
La. Advertiser, do	79 50		
Mer. Advertiser, do	122 50		
			416 00
Printing handbills for sale of property			1 50
J. R. Jones, his com. on sale property Madisonville			4 75
Mortgage certificates			9 00
Note due the heirs of Jones	$1,033 33		
Protest	2 00		
Interest	20 64		
			1,055 97
Fire insurance on house Canal street			47 00
Bal. due Wm. McCauley on mortgage lots Canal street			650 00
J. L. McCoy, his com. and charges on sales real estate and slaves			680 40
Parish court costs			90 25
P. Cunningham's note to U. S., assumed by L. E. Brown			450 00
Thomas Toby, privileged claim			633 64
L. E. Brown's note to U. S.			333 33
Rent due on National hotel			666 64
Thos. Frith & Co. claim on property Madisonville			244 52
Interest on note discounted			154 66
L. Brengier, for plans			50 00
Sheriff's fees			57 75
C. Pollock, copies bill of sale			6 00
Balance			9,536 78
			$16,441 64

CR.

Cash received—net proceeds sales furniture, &c. of National hotel		$1,565 68
Three mos. rent of house on Canal street		350 00
Net proceeds sale Brown and Gallagher's hotel		202 47
Rent of house in New Levee street		116 00
Of D. Adams, purchase of lease of Brown & Gallagher's coffee-house		82 50
The following notes paid, received on sales real estate and slaves, viz.		
J. Wiley	$480 00	
M. Walton	525 00	
P. Cunnigham	1,616 66	
Wm. McCauley	595 83	
H. & W. Grant	560 00	
I. Chase	1,000 00	
L. Lesassier	108 33	
H & W. Bell	422 22	
P. Connolly	600 00	
N. Emerson	333 33	
John Irwin	333 33	
L. Souler	2,400 00	
J. W. Zacharie	2,433 33	
H. Lockett	2,700 00	
		14,108 03
J. W. Books, amount his account		3 75
W. McCoull		7 06
M. Suarez		6 25
		16,441 64
By balance brought down, to be distributed among the creditors		9,536 78

E. E. NEW ORLEANS, *3d December*, 1831.

Parish Court for the parish and city of New Orleans, Tuesday, December 27th, 1831.

Present, the Hon. Charles Maurian, judge.

1297—LEWIS E. BROWN *vs.* HIS CREDITORS.

On motion of H. Lockett, esq., of counsel for the syndics of the creditors of the insolvent, and upon showing to the court that a tableau of distribution had been filed by said syndics, and that the legal delay has elapsed since the filing the same, it is ordered, adjudged, and decreed, that the said tableau of distribution be, and the same is hereby, homologated and approved, so far as the same is not opposed.

SATURDAY, 4th FEBRUARY, 1832.

1297 { LEWIS E. BROWN, *vs.* HIS CREDITORS. } Oppositions to the tableau.

The court, after hearing the evidence in support of the several oppositions filed in this case, and the arguments of counsel, is of opinion that those op-

positions are well founded, and it is therefore ordered, adjudged, and decreed, that the several opposing creditors be placed on the tableau of distribution in the following manner:

J. C. Wallace, as a creditor for the sum of five hundred and fifty-one dollars, being the amount of a judgment obtained in this court in suit No. 5,607, together with the costs, with privilege, as workman and furnisher of materials, on the proceeds of three brick houses in Canal street.—(*Civ. Code* 3216, 2743.)

E. Bennell, as a creditor for the sum of sixty dollars and 75 cents, for services as bar-keeper and attending the billiard table, with privilege on the proceeds of moveables of the insolvent, and, in case of insufficiency, on the proceeds of the immoveables.—(*Civ. Code, art.* 3158, *Nos.* 4 *and* 6, *art.* 3219. *Nos.* 4 *and* 5.)

Paul Sears, as a creditor for the sum of one hundred and forty-three dollars and 70 cents, as bar-keeper, with privilege on the proceeds of the moveables of the insolvent, and, in case of insufficiency, on the proceeds of the immoveables.—(*Civ. Code, art.* 3158, *Nos.* 4 *and* 6, *art.* 3219, *Nos.* 4 *and* 5.)

Scates & Smith, as creditors for the sum of four hundred and ninety-six dollars and 25 cents, for painting and glazing to the houses Canal street, and to the house on Levee street, with privilege as workmen and furnishers of materials, to wit: on the proceeds of the three houses on Canal street for a sum of one hundred and thirty-two dollars and 25 cents, and on the proceeds of the house on Levee street for a sum of three hundred and sixty four dollars.—(*Civ. Code*, 3216, 2743.)

William T. Thompson, as a creditor for the sum of one hundred and three dollars and 82 cents. The said Thompson being subrogated to the rights of A. H. Brown, (his claim being for keeping bar,) with privilege on the proceeds of the moveables of the insolvent, and, in case of insufficiency, in the proceeds of the immoveables.—(*Civ. Code, art.* 3158, 3219, 3236, 2615.)

As to the contradictory claim of Scates and Smith on the sum accruing to A. H. Brown, it cannot inquired into in this present case, and must be settled between the two contending parties.

J. R. Johnston, as a creditor for the sum of one hundred and seventeen dollars, as a servant, with privilege in the proceeds of the moveables of the insolvent, and, in case of insufficiency, on the proceeds of the immoveables.—(*Civ. Code, art.* 3158, *No.* 4, *art.* 3219, *No.* 4.)

J. T. Preston, as a creditor for the sum of twenty dollars, for judicial charges, with privilege on the proceeds of the moveables and immoveables.—(*Civ. Code, art.* 3219, *No.* 2.)

And that the said tableau of distribution be amended accordingly.

NEW ORLEANS, *9th February*, 1852.

(Signed) CHARLES MAURIAN, *Judge.*

Parish Court.

I do hereby certify the foregoing schedule, judgment of homologation, and final judgment upon the opposition, to be true copies from the originals on file in the case of Lewis E. Brown vs. his creditors, No. 1297, of the insolvent docket of this court.

In testimony whereof, I have hereunto set my hand, and affixed the seal of the said court, at the city of New Orleans, this 9th day of March, in the

year of our Lord one thousand eight hundred and thirty-two, and 57th year of the American independence.

J. BLOSSMAN, *Dy. Clerk.*

FRIDAY, MARCH 9, 1832.

The court met pursuant to adjournment.—Present, Hon. Saml. H. Harper.

THE UNITED STATES, *vs.* SYNDICS OF L. E. BROWN. } No. 3,019, &c.

On motion of the district attorney, it is ordered that all these suits be consolidated, and, by consent of parties, trial by jury is waved, and the cause submitted to the court, on a statement of facts to be prepared by the parties.

Statement of Facts.

Lewis E. Brown, at the time of failure and insolvency, to wit, the 26th May, 1830, was surety on certain bonds given to secure duties to the United States by John Brown, senior, viz.

A bond	dated	27th Oct.	1829,	due	26th Aug.	1830, amt. duties	$ 632 00
Do		27th	"		26th June,	" "	632 10
Do		27th	"		26th Oct.	" "	632 00
Do		3d Dec.	"		2d Oct.	" "	698 00
Do		3d Dec.	"		3d Dec.	" "	698 00
Do		3d Dec.	"		2d Aug.	" "	698 00
Do		11th Jan.	1830,		9th Sept.	" "	530 45
Do		"	"		9th Nov.	" "	531 00
Do		"	"		9th Jan.	1831, "	531 00

On all of which, with the exception of the last mentioned, judgment was rendered against L. E. Brown on the 22d December, 1830, for the aforesaid amounts, with interest at six per cent. from the falling due of the bonds until paid, with costs of suit; and in the last mentioned bond a like judgment was rendered on the 22d February, 1831. On these judgments writs of *fi. fa.* have issued against all the parties, on which the marshal has returned *nulla bona*, and nothing has been paid by any of the parties on account of the same. John Brown, senior, failed and became insolvent, and applied for the benefit of the insolvent law of Louisiana, on the 10th day of June, 1830. The sale of Lewis E. Brown's property was made by order of the syndics, at public auction, on the 30th July, 1830. The defendants, as syndics, in addition to the sums stated by them to have been received in the account hereunto annexed, have received from the sale of the property of said Brown endorsed promissory notes, secured by mortgage on the property sold, amounting to $ 24,898 60; one half of which fell due on 31st July, 1832, and the other half on 31st July, 1833. The note stated in the account of moneys received and disbursed by the syndics of Lewis E. Brown, to have been paid to the United States, was endorsed by Charles Armstrong, and was paid at the Bank of the United States, where it was deposited for collection by Martin Gordon, and paid by the syndics. The United States have never, in any manner, appeared in the proceedings had in the parish court in relation to the insolvency of Lewis E. Brown.

Filed by Dist. Attorney.

JOHN SLIDELL, *Dist. Att'y.*
CARLETON & LOCKETT, *for Defendant.*

Continuation of Statement of Facts.

THE UNITED STATES,
vs.
THOMAS TOBY, SAMUEL I. PETERS, and SEAMAN FIELD, *Syndics of the creditors of L. E. Brown.*

Dist. court United States, Louisiana district. Eastern district.

Statement of Facts.

Lewis E. Brown failed and became insolvent on the 29th May, 1830, (eighteen hundred and thirty.) On the 15th July, 1829, he mortgaged houses and lot in Canal street to J. H. Field & Co. to secure the payment of $ 5,359 76, with ten per cent. per annum interest from that date till paid.

On the 12th February, 1829, Brown executed another mortgage to J. H. Field & Co. for $ 5,000 on the same property, with same interest as above. On the 18th March, 1830, L. E. Brown gave another mortgage to said Field & Co. for $ 745 16, same property and same rate of interest. The first mortgage was recorded in recorder of mortgages' office on the 16th July, 1829; the second was recorded on 13th February, 1829; and the third on the 20th March, 1830.

On the 10th March, 1830, Lewis E. Brown mortgaged said property, and the rest of his real estate to R. Ball & Co. for $ 1,000, which was recorded on the 17th March, 1830.

On the 4th February, 1830, Brown mortgaged the houses and lots in Canal street, and lots Nos. 3 and 4 in Suburb St. Mary, to Ogeir and Williams, for $ 3,300, which was recorded on the 8th February, 1830.

On the 2d March, 1830, Brown mortgaged the houses and lots between Burgundy and Rampart streets, and the lots in Canal street. between Dauphine and Rampart, to Peters & Millard, for $ 7,000, with ten per centum per annum interest from date till paid; recorded on 4th March, 1830.

On the 19th February, 1830, this last property was mortgaged to Thompson & Grant for $ 3,000, as all the lots in Canal, between Burgundy and Dauphine streets, and recorded on the 20th February, 1830. There existed on the property of said Brown the following sums due on original purchase money, and price of the property surrendered by him to his creditors, and for which said property was mortgaged, and other mortgages were duly recorded, being prior to his insolvency, to wit: The amount of a note in favor of the heirs of Jones, for the price of the lot between Burgundy and Rampart streets, in Canal street, including protests and interest, $ 1,055 97; ditto to Wm. McCawly, price of lots Canal street, between Dauphine and Burgundy streets, $ 650, dated in 1829; a note due to the United States for $ 333 33, dated in 1829, for a lot on New Levee street. Besides this, the syndics have paid other debts due by the estate of said Brown, as detailed in annexed record making part of this statement. On the 15th December, 1831, the tableau of distribution, including the list of sums paid as aforesaid, was finally confirmed by the parish court for the parish and city of New Orleans, after due proceedings having been previously had thereon.

CARLETON & LOCKETT, *for Def't.*
J. SLIDELL.

The following are the amendments to the foregoing statement of facts made by the district attorney and defendants' counsel, and by them filed.

On the 30th December, 1830, the marshal, acting under writs of *fi. fa.* issued on the several judgments against Lewis E. Brown, seized the funds and property in the possession of the defendants as syndics or assignees of Lewis E. Brown, and gave notice to them personally of seizure of said funds, in amount sufficient to satisfy the three several judgments.

Job Wilson, the syndic of the creditors of John Brown, senior, has under his control notes and other assets to an amount exceeding the debt due by John Brown, senior, to the United States: these notes are not yet due, but are considered good, and will be applicable, when paid, to the satisfaction of the judgments rendered against said Brown. These notes are deposited with the district attorney, who is also acting as the attorney of said syndic, but has no authority to dispose of them to satisfy the judgments.

The following are writs fieri facias and returns on same, in the cases of United States vs. John Brown, sen. and Lewis E. . No. 2918, &c. suits of this court offered and received in evidence upon the trial of this cause.

Suit No. 2,918.

The President of the United States of America to the Marshal of the Eastern district of Louisiana, or his lawful deputy, greeting:

You are hereby commanded, that you demand from John Brown, sen'r, and Lewis E. Brown, the sum of six hundred and thirty-two dollars, with interest at the rate of six per centum per annum from the 26th day of August, 1830, until paid, cash, which the United States lately recovered by judgment of the district court of the United States for the said district; and if they shall not pay the same in three days after demand, that then you cause the same to be made out of the personal estate of the said John Brown, senior, and Lewis E. Brown, except slaves, in your district, if sufficient personal estate except slaves in your district, if sufficient personal estate, exclusive of slaves, can be found therein; but if sufficient personal estate of said John Brown, sen'r, and Lewis E. Brown, exclusive of slaves, can be found therein; but if sufficient personal estate of said John Brown, sen'r, and Lewis E. Brown, exclusive of slaves, cannot be found in your district, that then you cause the same to be made out of the real estate and slaves of the said John Brown, sen'r, and Lewis E. Brown, in your district, whereof they were owners on the 22d day of December, 1830, into whose hands soever the same may have come; and that you have those moneys before our said court, to render to the said United States for the judgment aforesaid, on the 3d Monday of February, 1831, together with this writ.

Witness, the Hon. Samuel H. Harper, judge of said court, this 28th day of December, 1830.

F. W. LEA, *Clerk.*

Marshal's Return.

Received 30th December, 1830, by virtue hereof, as also in the other writs of *fi. fa.* at the suit of the United States vs. the same parties, numbered 2930, 2936, and No. 2949, I gave notice of seizure on the same day to the snydics of Lewis E. Brown, to wit, Thomas Toby, Samuel I. Peters, and Sea-

man Field, that I seized in their hands property sufficient to meet these several writs, and gave notice of seizure to Job Wilson, the syndic of John Brown, senior.

JOHN NICHOLSON, *U. S. Marshal.*

Fi. fa., and Marshal's return on same, issued in case No. 2,930.

The President of the United States to the Marshal of the Eastern district of Louisiana, or to his lawful deputy, greeting:

You are hereby commanded that you demand from John Brown, senior, and Lewis E. Brown, the sum of five hundred and thirty dollars 45 cents, with interest at the rate of six per centum per annum from 9th day of September, 1830, until paid, which the United States lately recovered by judgment of the district court of the United States for the said district; and if they shall not pay the same in three days after demand, that then you cause the same to be made out of the personal estate of the said John Brown, sen. and Lewis E. Brown, except slaves, in your district, if sufficient personal estate, exclusive of slaves, can be found therein; but if sufficient personal estate of said John Brown, sen'r, and Lewis E. Brown, exclusive of slaves, cannot be found in your district, then you cause the same to be made out of the real estate and slaves of said John Brown, sen'r, and Lewis E. Brown, in your district, whereof they were owners on the 22d day of December, 1830, into whose hands soever the same may have come; and that you have those moneys before our said court to render to the said United States for the judgment aforesaid, on the 3d Monday of February, 1831, together with this writ.

Witness, the Hon. Samuel H. Harper, judge of said court, this 28th day of December, 1830.

F. W. LEA, *Clerk.*

Marshal's Return.

Received 30th December, 1830. Same return as on writ No. 2918, to which reference is made.

JOHN NICHOLSON, *U. S. Marshal.*

Fi. fa., and Marshal's return on same, issued in case No. 2,936, *entitled United States vs. John Brown, senior, et al.*

The President of the United States of America to the Marshal of the Eastern district of Louisiana, or his lawful deputy, greeting:

You are hereby commanded, that you demand from John Brown, senior, and Lewis E. Brown, the sum of six hundred and ninety-eight dollars, with interest at the rate of six per centum per annum from 2d October, 1830, until paid, which the United States lately recovered by judgment of the district court of the United States for the said district; and if they shall not pay the same in three days after demand, that then you cause the same to be made out of the personal estate of the said John Brown, sen'r, and Lewis E. Brown, except slaves, in your district, if sufficient personal estate, exclusive of slaves, can be found therein; but if sufficient personal estate of said John Brown, sen'r, and Lewis E. Brown, exclusive of slaves, cannot be found in your district, that then you cause the same to be made out of the real estate and slaves of the said John Brown, sen'r, and Lewis E. Brown, in your district, whereof they were owners on the 22d day of December,

1830, into whose hands soever the same may have come; and that you have those moneys before our said court to render to the said United States for the judgment aforesaid on the 3d Monday of February, 1831, together with this writ.

Witness, the Hon. Samuel H. Harper, judge of said court, this 28th day of December, 1830.

F. W. LEA, *Clerk.*

Marshal's Return.

Received 30th December, 1830. Same return as is made on writ No. 2,918.

JOHN NICHOLSON, *U. S. Marshal.*

Fi. fa., and Marshal's return on same, issued in case No. 2,949, *entitled the United States vs. John Brown, sen'r, et al.*

The President of the United of America to the Marshal of the Eastern district of Louisiana, or his lawful deputy, greeting:

You are hereby commanded that you demand from John Brown, senior, and Lewis E. Brown, the sum of five hundred and thirty-one dollars, with interest at the rate of six per centum per annum from the 9th November, 1830, until paid, which the United States lately recovered by judgment of the district court of the United States for the said district; and if they shall not pay the same in three days after demand, that then you cause the same to be made out of the personal estate, exclusive of slaves, can be found therein; but if sufficient personal estate of said John Brown, sen'r, and Lewis E. Brown, exclusive of slaves, cannot be found in your district, that then you cause the same to be made out of the real estate and slaves of the said John Brown, sen'r, and Lewis E. Brown, in your district, whereof they were owners on the 22d day of December, 1830, into whose hands soever the same may have came; and that you have those moneys before our said court to render to the said United States for the judgment aforesaid, on the 3d Monday of February, 1831, together with this writ.

Witness, the Hon. Samuel H. Harper, judge of said court, this 28th day of December, 1830.

F. W. LEA, *Clerk.*

Marshal's Return.

Received 30th December, 1830. Same return as on writ No. 2,918, to which reference is made.

JOHN NICHOLSON, *U. S. Marshal.*

Fi. fa., and Marshal's return on same, issued in case No. 2,908, *entitled the United States vs. John Brown, sen and another.*

The President of the United States to the Marshal of the Eastern district of Louisiana, or his lawful deputy, greeting:

You are hereby commanded that you demand from John Brown, senior, and Lewis E. Brown, the sum of six hundred and ninety-seven dollars, with interest thereon, at the rate of six per centum per annum, from 2d day of August, 1830, until paid, which the United States lately recovered by judgment of the district court of the United States for the said district; and if

they shall not pay the same in three days after demand, that then you cause the same to be made out of the personal estate of the said John Brown, sen. and Lewis E. Brown, except slaves, in your district, if sufficient personal estate, exclusive of slaves, can be found therein; but if sufficient personal estate of said John Brown sen'r, and Lewis E. Brown, exclusive of slaves, cannot be found in your district, that then you cause the same to be made out of the real estate and slaves of the said John Brown, sen'r, and Lewis E. Brown, in your district, whereof they were owners on the 23d day of February, 1830, into whose hands soever the same may have come; and that you have those moneys before our said court to render to the said United States for the judgment aforesaid, on the 3d Monday of February, 1831, together with this writ.

Witness, the Hon. Samuel H. Harper, judge of said court, this 28th day of December, 1830.

F. W. LEA, *Clerk.*

Marshal's Return.

Received 30th December, 1830. No property of the defendant, John Brown, to be found. 5th January, 1831

JOHN NICHOLSON, *U. S. Marshal.*

Fi. fa. and Marshal's return on same, issued in case No. 2,944, *entitled the United States vs. John Brown, sen'r, and Lewis E. Brown.*

The President of the United States to the Marshal of the Eastern district of Louisiana, or his lawful deputy, greeting:

You are hereby commanded that you demand from John Brown, senior, and Lewis E. Brown, the sum of six hundred and thirty-two dollars, with interest at the rate of six per centum per annum from the 26th October, 1830, until paid, which the United States lately recovered by judgment of the district court of the United States for the said district; and if they shall not pay the same in three days after demand, that then you cause the same to be made out of the personal estate of the said John Brown, sen'r, and Lewis E. Brown, except slaves, in your district, if sufficient personal estate, exclusive of slaves, can be found therein; but if sufficient personal estate of said John Brown, sen'r, and Lewis E. Brown, exclusive of slaves, cannot be found in your district, that then you cause the same to be made out of the real estate and slaves of said John Brown, sen'r, and Lewis E. Brown in your district, whereof they were owners on the 22d day of December, 1830, into whose hands soever the same may have come, and that you have these moneys before our said court to render to the said United States for the judgment aforesaid, on the 3d Monday of February, 1830, together with this writ.

Witness, the Hon. Samuel H. Harper, judge of said court, this 28th day of December, 1830.

F. W. LEA, *Clerk.*

Marshal's Return.

Received 30th December, 1830. No property of the defendant, John Brown, to be found. 5th January, 1831.

JOHN NICHOLSON, *U. S. Marshal.*

Fi. fa., and Marshal's return on same, issued in case No. 2,963, *entitled the United States vs. John Brown, sen'r, et al.*

The President of the United States to the Marshal of the Eastern district of Louisiana, or his lawful deputy, greeting:

You are hereby commanded that you demand from John Brown, senior, and Lewis E. Brown the sum of six hundred and ninety-eight dollars, with interest at the rate of six per centum per annum from the 3d December, 1830, till paid, which the United States lately recovered by judgment of the district court of the United States for the said district; and if they shall not pay the same in three days after demand, that then you cause the same to be made out of the personal estate of the said John Brown, sen'r, and Lewis E. Brown, except slaves, in your district, if sufficient personal estate, exclusive of slaves, can be found therein; but if sufficient personal estate of said John Brown, sen'r, and Lewis E. Brown, exclusive of slaves, cannot be found in your district, that then you cause the same to be made out of the real estate and slaves of the said John Brown, sen'r, and Lewis E. Brown in your district, whereof they were owners on the 22d day of February, 1830, into whose hands soever the same may have come; and that you have then and there this writ, together with the said moneys, before the said court, to render the same to the United States for the judgment aforesaid, on the third Monday in May, 1831.

Witness, the Hon. Samuel H. Harper, judge of the said court, this 19th day of March, 1831.

F. W. LEA, *Clerk.*

Marshal's Return.

Received 19th March, 1831; returned 16th May, 1831—nulla bona.

JOHN NICHOLSON, *U. S. Marshal.*

Fi. fa., and Marshal's return on same, issued in case No. 2,881, *entitled the United States vs. John Brown, sen'r, et al.*

The President of the United States to the Marshal of the Eastern district of Louisiana, or his lawful deputy, greeting:

You are hereby commanded that you demand from John Brown, senior, and Lewis E. Brown, the sum of six hundred and thirty-two $\frac{10}{100}$ dollars, with interest at the rate of six per centum per annum from *from* 26th day of June, 1830, until paid, which the United States lately recovered by judgment of the district court of the United States for the said district; and if they shall not pay the same in three days after demand, that then you cause the same to be made out of the personal estate of *of* the said John Brown sen'r, and Lewis E. Brown, except slaves, in your district, if sufficient personal estate, exclusive of slaves, can be found therein; but if sufficient personal estate of said John Brown, sen'r, and Lewis E. Brown, exclusive of slaves, cannot be found in your district, that then you cause the same to made out of the real estate and slaves of the said John Brown, sen'r, and Lewis E. Brown, in your district, whereof they were owners on the 22d day of December, 1830, into whose hands soever the same may have come; and that you have those moneys before our said court to render to the said United States for the judg-

ment aforesaid, on the 3d Monday of February, 1831, together with this writ.

Witness, the Hon. Samuel H. Harper, judge of the said court, this 28th day of December, 1830.

F. W. LEA, *Clerk.*

Marshal's Return.

Received 30th December, 1830. No property of the defendant, John Brown, to be found. 5th January, 1831.

JOHN NICHOLSON, *U. S. Marshal.*

Fi. fa., and return on same, issued in the case No. 2,986, entitled the United States vs. John Brown, sen'r, and Lewis E. Brown.

The President of the United States to the Marshal of the Eastern district of Louisiana, or his lawful deputy, greeting:

You are hereby commanded that you demand from John Brown, senior, and Lewis E. Brown the sum of five hundred and thirty-one dollars, with interest at the rate of six per centum per annum from 9th January, 1831, till paid, which the United States lately recovered by judgment of the district court of the United States for the said district; and if they shall not pay the same in three days after demand, that then you cause the same to be made out of the personal estate of the said John Brown, sen'r, and Lewis E. Brown, except slaves, in your district, if sufficient personal estate, exclusive of slaves, can be found therein; but if sufficient personal estate of said John Brown, sen'r, and Lewis E. Brown, exclusive of slaves, cannot be found in your district, that then you cause the same to be made out of the real estate and slaves of the said John Brown, sen'r, and Lewis E. Brown, in your district, whereof they were owners on the 22d day of February last past, into whose hands soever the same may have come; and have you those moneys before our said court to render to the said United States for the judgment aforesaid, on the 3d Monday of May, 1831, together with this writ.

Witness, the Hon. Samuel H. Harper, judge of the said court, this 19th day of March, 1831.

F. W. LEA, *Clerk.*

Marshal's Return.

Received 19th March, 1831. Returned 16th May, 1831, nulla bona.

JOHN NICHOLSON, *U. S. Marshal.*

SATURDAY, JUNE 30, 1832.

The court met pursuant to adjournment.—Present, Hon. Sam'l H. Harper.

THE UNITED STATES, *vs.* SYNDICS OF L. E. BROWN. } *Consolidated cases from No. 3,019 to 3,027, both inclusive.*

These consolidated cases were this day submitted to the court for decision upon a statement of facts at the same time filed.

And afterwards, to wit, on the 2d day of January, 1833, at a court of the United States held for the Eastern district of Louisiana, the parties having concluded to argue the before named causes before the court, before submitting the same for decision, the following order was entered of record:

WEDNESDAY, 2d JANUARY, 1833.

The court met pursuant to adjournment.—Present, Hon. Sam'l H. Harper.

THE UNITED STATES, *vs.* SYNDICS OF L. E. BROWN. } No. 3,019, &c.

On motion of the district attorney, ordered that these causes be set for trial for Wednesday, 9th January, 1833.

WEDNESDAY, 9 h JANUARY, 1833.

The court met pursuant to adjournment.—Present, Hon. Sam'l H. Harper.

THE UNITED STATES, *vs.* SYNDICS OF L. E. BROWN. } No. 3,019, &c.

The trial of these causes this day came on before the court, and, after some progress in the same, were continued until to-morrow at 10 o'clock A. M.

Bill of Exceptions.

THE UNITED STATES, *vs.* THOMAS TOBY, S. FIELD, and S. I. PETERS. Consolidated. } *District Court of the United States for the La. District, East. District thereof.*

Be it remembered that, during the trial of this cause, the counsel for the plaintiffs offered to prove, by the marshal, that he had made a seizure, or given notice that he seized in the hands of the defendants any funds in their hands, to a sufficient amount to satisfy the judgment obtained in *in* the case of the United States vs. John Brown, sen'r, and Lewis E. Brown. The counsel for the defendants objected to this testimony as being contrary to the statement of facts made in this case, where it is stated that a return of nulla bona had been made in said case, and because the act was done in a case to which the defendants were not parties, and because the best evidence was notice itself, or true and proved copy thereof; because, if any such seizure or notice was made or given, that it should appear from the official return of the marshal.

The counsel for the plaintiffs then offered the return of the marshal in the said case of the United States vs. John Brown, sen'r, and L. E Brown. This the defendants' counsel objected, because the writ which issued in that case was *ex parte*, and these defendants were not parties, directly or indirectly, to the said case of the United States vs. John Brown, sen'r, and L. E. Brown, and that the same was otherwise illegal.

These objections were overruled by the court, because the testimony was considered pertinent and legal; and also because, previous to the instruction by the district attorney of the testimony heretofore referred to, the defendants had been permitted to amend the statement of facts by proof of matters not stated therein.

SAMUEL H. HARPER, *Judge U. S.*

The further argument of these causes was postponed from Wednesday, 19th January, 1833, to Thursday, 10th, (next day,) but the parties declined

the further argument, and consented to submit the said causes to the court for decison thereon, which was accordingly done; and afterwards, to wit, on the 21st February, 1833, at a court of the United States held for the said district, the following decree was, by order of the said court, entered of record, to wit:

THURSDAY, 21st FEBRUARY, 1833.

The court met pursuant to adjournment.—Present, Hon. Sam'l H. Harper.

THE UNITED STATES,
vs.
SAMUEL I. PETERS,
SEAMAN FIELD,
THOMAS TOBY.

The court having maturely considered these cases, doth now adjudge, order, and decree, that judgment be entered up in favor of the United States against Samuel I. Peters, Seaman Field, and Thomas Toby, jointly and severally, for the sum of five thousand six hundred and sixty-one dollars and fifty five cents, with interest thereon at the rate of six per centum per annum, from the following dates, to wit:

On	$632 10	from	26th June,	1830,	until paid.
"	797 00	"	2d August,	1830,	"
"	632 00	"	26th August,	1830,	"
"	530 00	"	9th September,	1830,	"
"	698 00	"	2d October,	1830,	"
"	632 00	"	26th October,	1830,	"
"	531 00	"	9th November,	1830,	"
"	698 00	"	3d December,	1830,	"
"	531 00	"	9th January,	1831,	"

together with all the costs which have accrued both before and since their consolidation.

The following is the opinion of his honor S. H. Harper, read at the time of the rendition of the above final decree, and filed in the clerk's office of the Eastern district of Louisiana among the other papers of the aforesaid consolidated causes, to wit:

THE UNITED STATES,
vs.
THE SYNDICS OF L. E. BROWN.

On the 30th March, 1831, the attorney of the United States instituted nine separate suits against S. Field, S. I. Peters, and Thomas Toby, the syndics of L. E. Brown, founded on 14 judgments previously obtained against John Brown and his securities, of whom Lewis E. Brown was one, on custom-house bonds for duties. The suits against the syndics are constituted under the provisions of the 65th section duty act of 1799. The object of these actions is to make them personally liable out of their own funds to the United States for the debt due to the latter by the insolvent, L. E. Brown, for having, as is alleged, improperly paid to others moneys out of the estate of said Brown, which ought to have been paid to the United States, as a debt having priority.

On the 17th May, 1831, the defendants, by their counsel, filed separate answers of the syndics to each of the petitions of the United States, all in

substance the same, by which they admit that they are the syndics of L. E. Brown, and in that capacity have taken possession of his estate. The answers then state that the defendants sold, as they had a right to do under the laws of Louisiana, the property of the insolvent on a credit of one, two, and three years, which, when due, they allege they have a right to pay to certain privileged and mortgaged creditors, as being preferred to the United States. They then say they have no funds belonging to the estate of L. E. Brown; all the property ceded by him having been sold on a credit, and for which the notes taken are not due. They then admit that they have sold the household furniture and certain other moveables of the estate of said Brown, for an amount not stated, which "has been received and paid over in law charges, house rent, and other charges privileged upon said estate, and preferred to the United States, as stated in the account annexed to No. 3,022." The remainder of the answers is a general denial of the allegations of plaintiffs' petition, and of their personal liability to them.

All these suits were consolidated on the 9th March, 1833, and in that shape submitted to me for adjudication, which, therefore, I shall treat as one action. The following facts have been stated and agreed upon by the parties: That judgments were obtained against L. E. Brown, on the custom-house bonds, on the 22d December, 1830, with interest thereon at the rate of six per centum per annum from the date of their falling due; that writs of *fi. fa.* were issued against all the parties, on which the marshal has returned *nuila bona*, and nothing has been paid by any of the parties; that John Brown, the principal in these bonds, became insolvent, and applied for the benefit of the insolvent law of Louisiana on the 10th June, 1830; that the sale of Lewis E. Brown's property was made by order of the syndics, these defendants, on the 30th July, 1830; that the defendants, as syndics, in addition to the sums stated by them to have been received in the account current annexed, have received, from the sale of the property of said Brown, endorsed promissory notes, secured by mortgage on the property sold, amounting $24,898 60, one half of which was due on the 31st July, 1832, and the other half will be due on the 31st July, 1833; that the United States have never in any manner appeared in the proceedings had in the parish court in relation to the insolvency of L. E Brown; that L. E. Brown became insolvent on the 29th May, 1830. On the 15th July, 1829, he mortgaged houses and lots in Canal street to J. H. Field & Co. to secure the payment of the sum $ 5,359 76; on the 12th February, 1829, he executed another mortgage to J. H. Field & Co. for $ 5,000 on the same property, with interest on both at the rate of 10 per centum per annum; on the 15th March, 1830, he gave another mortgage to said Field for $ 745 16, on the same property, with the same rate of interest; on the 10th March, 1830, he mortgaged said property and the rest of his real estate to R. Ball & Co. for $ 1,000; on the 4th February, 1830, he mortgaged the house and lots in Canal street, and lots Nos. 3 and 4 in Suburb St. Mary, to Ogier and Williams for $ 3,300; on the 2d March, 1830, he mortgaged the houses and lots between Burgundy and Rampart, and the lots in Canal between Dauphine and Rampart streets, to Peters and Millard for $ 7,000; on the 19th February, 1830, the last property was mortgaged to Thompson and Grant for $ 3,000. There existed on the property of said Brown surrendered to his creditors as the original purchase money and price of the property, and due to individuals, about the sum of $ 2,000, for which his property had been mortgaged long before his insolvency.

On the 15th December, 1831, the tableau of distribution was finally confirmed by the parish court.

At the opening of this cause the court permitted the defendants to add to the statement of facts, that the attorney of the United States, as counsel for the syndics of John Brown, has now in his possession good notes sufficient to pay the debt of the United States; and the court also permitted the district attorney to prove by the marshal that these defendants had due notice of the debt due to the United States by L. E. Brown before making any payments to his creditors. The tableau of distribution exhibited shows that the syndics did not consider the United States as creditors of L. E. Brown, in as much as they are not put down as such upon it.

With these facts before me, I am called upon to adjudge whether or not the defendants are personally liable to pay the debt due to the United States. Both parties having chiefly relied upon the authority of the case of Conard vs. the Atlantic Insurance Company, decided by the Supreme Court of the United States, and reported in 1 Peters. That case, however, differs materially from this. There the dispute was, whether the *property* seized upon by the marshal belonged to the United States or to the Insurance Company. Here there is no contest about the *estate of Brown* having passed to the syndics, and that it was *his estate* when so passed, but whether his syndics have so managed the trust confided to them as to lay themselves individually liable to the United States. The case, however, cited establishes some doctrines applicable to this, and especially one that is not denied by the attorney of the United States, that *bona fide* mortgages of property, executed before the insolvency of a debtor to the United States, divests the *the* mortgager of his property, and, as it has been decided that the United States must seek their pay out of the *estate* of their debtor, such property cannot be reached by them. According to this principle, there is apparently on the face of these proceedings a sum of about $27,000 secured to mortgagees, and beyond the reach of the United States.

But the district attorney contends that, as all these are *special* and not *general* mortgages, it was incumbent on the defendants to have shown how much each property mortgaged sold for, in order to ascertain whether any thing remained over and above for the United States. That the defendants have no right to add the amount of mortgaged debt together, and then say the aggregate exceeds the debt due to the Government: as, for instance, one man has a mortgage for $15,000, and the property mortgaged sold for only $10,000; another has a mortgage for $10,000, and the property sold for $15,000: on this supposition the aggregate of mortgages would be $25,000, and the total amount of sales would also be $25,000. In such a case it would appear that, as the whole of the sales of property was covered by privileged claims, nothing would remain for the United States. But he insists that the fallacy consists in this, that, in the first case, the mortgagee must submit to a loss of $5,000, his mortgage not reaching any other property; and, in the latter case, the mortgagee having his claim satisfied by the payment of $10,000, the remaining sum of $5,000 must go the United States, in preference to these holding special mortgages on other property. This position I take to be impregnable. But were it otherwise, how stand the facts of this case?

It appears from the exhibits that the defendants have sold property to the amount of upwards of $40,000 belonging to the estate of L. E. Brown, and the mortgaged debts they have paid only amount to about $27,000, leav-

ing a balance of $ 13,000, which is more than double the sum due to the United States, which they have paid to other creditors on the ground that these creditors had a privilege on the common fund in virtue of the laws of this State, and as the decisions go to show that the United States had no *lien* for their debts under the 65th section of the duty act, their *priority* of payment therein mentioned must yield to the privileges given by the laws of the State. It will not, I think, be denied in any State of the Union, except South Carolina, that acts of Congress passed in pursuance of the constitution, when in conflict with State laws, must prevail. It has never been doubted that the law under consideration is constitutional. Now it says "In all cases of insolvency, or when any *estate* in the hands of the executors, administrators, or assignees, shall be insufficient to pay all the debts due from the deceased or insolvent, as the case may be, the debt or debts due to the United States, or any such bond or bonds, shall be first satisfied, and any executor, administrator, or assignee, or other person who shall pay any debt due by the person or estate for whom or for which they are acting, previous to the debt or debts due to the United States from such person or estate being first duly satisfied and paid, shall become answerable in their person and estate for the debt or debts due to the United States, &c." Now, here we have the case of an insolvent who is unable to pay *all* of his debts, whose estate has gone into the hands of assignees, and who have not paid the debt due to the United States, but have paid others in preference.

If the liens established by the laws of Louisiana to attach after insolvency, are to have a preference over the debts due to the United States, then the State Legislature has deprived the General Government of nearly all the privileges secured to it by the act of '99, and may by future legislation deprive it of all of them, and all that may be done by a State which was not a member of the Union until thirteen years after Congress so legislated.

The doctrine of privilege in Louisiana may be very well as between her own citizens and other individuals who may chuse to come into her tribunals: so far her legislation is valid, but she cannot content the General Government, or compel it to submit to the decisions of her courts in a case like this, in which Congress has specified the rights of the United States. The hardship of the case was much and ably insisted on in argument, but I do not view it in that light. Every citizen is bound to know the law of the land, and if State Legislatures will pass laws which cannot be enforced as against the United States, and thereby entrap the citizen, he has himself and them to blame, but cannot censure the General Government which had previously told both them and him that the interests of the whole are paramount to those of the individual, and especially in the collection of the very money which is indispensable to the existence of the General Government.

It was insisted, also, that if the charges incident to the surrender of an insolvent's estate have not a first privilege, the officers of the courts would not render their services. Whatever necessary court charges are incurred in such cases ought to be paid *first*, and the United States must be postponed to such creditors, on the same principle that, out of the proceeds of a vessel forfeited to the United States must first be paid seamen's wages and supplies furnished, because, without such aids, nothing probably would be saved to the Government. But after an estate has passed into the hands of assignees, any debts they may pay, other than court charges and privileges existing antecedently to the failure, to the prejudice of the United States, are payments made in their own wrong. According to this view of the subject, a number

of items charged as paid to individuals in the tableau of distribution have been wrongfully paid; and, for the reasons assigned in a former part of this opinion, the application of the *general fund* to the payment of *special* mortgages was illegal: but it is sufficient, to entitle the United States to recover in this action, to show that the syndics have, to the prejudice of the Government, paid one dollar wrongfully, for, by the statute, if such persons pay any debt improperly, they, *ipso facto*, lay themselves liable to the United States for so much.

If this case had been tried on the issue made by the answer of the defendants, it would have been incumbent on the United States to have shown *how much* the syndics had wrongfully paid previous to the institution of this suit, to enable them to recover that much, for they could not have been made liable in this action for any thing done by them after its inception—that would have been the subject of another suit; but the defendants, by their admission of facts, and by the documents they have voluntarily produced and made part of the pleadings or evidence, have put their whole proceedings, first and last, in issue, and the case is now prosecuted as if all the payments they have made had been made before suit brought.

Now, a bare inspection of the list of debts paid by them is conclusive against them, aided by all the force of the laws of Louisiana, for they have paid claims, to the exclusion of the United States, not recognized as liens or privileged by these laws; and they admit in their answer that, previous to filing it, they had paid to creditors, other than mortgaged creditors, money out of the estate, but do not say how much.

The defendants have, in no manner, acknowledged the debt of the United States as due from the estate of the insolvent.

Knowing of its existence, as it is presumed they did, they ought at least to have put them on their tableau, even if they had afterwards disputed their right to priority of payment; but the fact is, as that document shows, they have claims individually *adverse* to the United States, and therefore it was no part of their policy to admit the rights of the latter in any shape.

In the coruse of this opinion whatever *obiter dicto* I may have expressed *arguendo*, I wish to be explicitly understood as affirming the law to be that, whatever legal liens may have attached to the property of the debtor of the United States *prior* to his insolvency, whether they arise from mortgages, judgments, or from the operation of State laws (if properly set forth and pleaded,) so far divests the debtor of his property *pro tanto* as to exempt it from the claim of the United States.

It is to the unincumbered estate of the insolvent, divested of any pre-existing lien, that they must look for priority of payment, for, having no lien themselves on their debtor's property while it is under his own control, they cannot reach it in the hands of others, who have an implied right to it in case of the non-payment of the debt for which it is security, as in the case of mortgage, the mortgagee having the *jus in re*.

But all liens incidentally attaching to an insolvent's estate *after* his insolvency and surrender of it for the benefit of his creditors, except court charges, or the expenses necessary to put it into the hands of assignees, must be postponed to the claim of the United States; for, whatever property exists unincumbered by liens at the *time* of insolvency, constitutes the *est ate* of the insolvent, and is that "common fund" spoken of by the Supreme Court in Conard vs. the Atlantic Insurance Company, out of which all the creditors are to be paid, the United States having priority. If it should be thought

that I might have deduced this doctrine with less prolixity of expression, my answer is, that I have been thus tedious on this part of the case for two reasons: first, because I have never seen any judicial discussion and decision on the main points involved in this case; and, secondly, cases of this kind are likely hereafter to arise, and on that account it is proper that my construction of the 65th section of the collection act should be known, and the reasons for it.

The defendants' counsel seemed to attach much importance to the fact that the district attorney has in his possession good notes arising from the sale of John Brown's estate (the principal in the custom-house bonds) more than sufficient to pay the debt due to the United States. The answers to this are, 1st, that because the Government may have another recourse for payment, it is no reason why she should relinquish any security she may have for her debt; and, 2dly, if, through the diligence and vigilance of the district attorney, acting in his private capacity as the attorney of the syndics of John Brown, he has succeeded in wresting from a fraudulent grasp the only means by which these defendants may be ultimately reimbursed the amount of this judgment against them, *they* surely have no right to complain; so that, under present circumstances the question is virtually one of costs, for, as to their liability to pay the debt sued for, little or no doubt can exist, and so deeply impressed with that idea was the defendants' counsel of record, that he labored to covince the court that, although costs usually follow a judgment, yet in this case they might not to be taxed against his clients. His complaint is, that the attorney of the United States has unnecessarily multipled costs by bringing nine suits when he ought to have brought but one; and on that point he relies upon the 3d section of the act of Congress of the 22d July, 1813, which prohibits attorneys from unnecessarily and vexatiously increasing costs on pain of being made liable themselves for any excess. It is true, if the district attorney could have foreseen the defence which has been set up in these cases, it would have been his duty to have included all in one action; but these suits were brought on separate judgments, each of which might have admitted of a distinct defence. To one, want of proper service of process on the original debtors might have been plead. To another, that the judgment was erroneously entered on the record. To a third, that, under the rules of court, it had been prematurely signed, and therefore no judgment. To a fourth, *nul tiel record;* and to the rest other pleas, such as might have suggested themselves to the minds of ingenious counsel, might have been put in.

If it had been the wish of the defendants' counsel to diminish the costs, he ought to have applied to the court to consolidate the suits *before he* added to the costs so much himself, by filing twenty-seven answers instead of one: and even when the suits were consolidated, the record shows that it was done on motion of the district attorney; no doubt for the sake of more conveniently trying together a number of cases in which the issue in all was the same, and the language of the answers the same *verbatim et literatim*, with the exception of the names of the defendants.

On the whole, I can perceive no reason why judgment should not be given against the defendants for both debt and costs, and I shall accordingly direct judgment to be so entered.

Petition of defendants for Writ of Error.

To the Hon. the District Court of the United States for the Louisiana district—Eastern district:

The petition of Samuel I. Peters, Seaman Field, and Thomas Toby, syndics of the creditors of L. E. Brown, shows, that a judgment has been rendered against them in the consolidated cases of the United States vs. your petitioners, which cases are numbered 3,019, 3,020, 3,021, 3,022, 3,023, 3,024, 3,025, 3,026, and 3,027, in which judgment your petitioners believe there is error to their prejudice.

They therefore pray an appeal to the Supreme Court of the United States, and that a writ of error may be allowed in such manner and form, and on such conditions and terms, as that the execution of said judgment may be stayed and suspended until the final decision in the premises.

CARLETON & LOCKETT, *Att'ys for Def'ts.*

Filed 1st March, 1833.

The foregoing petition for a writ of error was presented to the Judge of the Eastern district of Louisiana for his order, and by the defendants filed in the clerk's office of the said district, with an order thereon, as follows, to wit:

Be it so, on the appellants entering into bond in the sum of seven thousand four hundred dollars, with N. A. Baron, as security, conditioned according to law.

SAMUEL H. HARPER, *Judge U. S.*

UNITED STATES OF AMERICA, *Eastern District of Louisiana,* } *ss.*

I, Byrd B. Waller, deputy clerk of the court of the United States for the Eastern district of Louisiana, do hereby certify that the foregoing one hundred and ninety-one pages contain a full, true, and faithful transcript of the record and process, together with all things relating thereunto, now on file in the clerk's office of the said court, in nine separate causes decided in the said court, all entitled the United States vs. the syndics of L. E. Brown, being suits Nos. 3,019, 3,020, 3,021, 3,022, 3,023, 3,024, 3,025, 3,026, 3,027, 3,028, and 3,029, both up to the time of their consolidation and since.

In testimony whereof, I have hereunto set my hand, and affixed the seal of the said court, at the city of New Orleans, this 20th March, [SEAL.] A. D. 1833, and of the 57th year of the independence of the United States.

BYRD B. WALLER, *Dy. Clerk, East. Dist. of Louisiana.*

I, Samuel H. Harper, judge of the district courts of the United States for the Louisiana districts, do hereby certify that Byrd B. Waller is now, and was at the time of signing the foregoing certificate, deputy clerk of the district court of the United States for the Eastern district of Louisiana, and that, to his official attestations as such, full faith and credit are due; and further, that the certificate and attestation to the same are in due form.

Given under my hand, this 20th day of March, 1833.

SAMUEL H. HARPER, *Judge U. S.*

The President of the United States of America to the Honorable Samuel H. Harper, Judge of the District Court of the United States for the Eastern District of Louisiana.

Whereas, at a session of the said district court of the United States for the Eastern district of Louisiana, holden at the city of New Orleans on the 21st day of February, 1833, in a case before you, wherein the United States were plaintiffs, and Samuel I. Peters, Seaman Field, and Thomas Toby, defendants, judgment was rendered in favor of the United States, and against the said Samuel I. Peters, Seaman Field, and Thomas Toby, whereby great and manifest injustice and damage has been done the said defendants, as we by their plaint are informed:

Now, therefore, you are hereby commanded to send the records and process, together with all the proceedings relating thereunto, under the seal of the district court of the United States for the Eastern district of Louisiana, into the Supreme Court of the United States, to be holden at the city of Washington, being the place of the sessions of said court, on the 1st Monday of August next, together with this writ, in order that the error complained of may be corrected, and that full and speedy justice may be done to the parties in that behalf.

Witness, the Hon. John Marshall, Chief Justice of the United States, at Washington city, this 1st day of March, 1833.

[SEAL.] BYRD B. WALLER, *Dy. Clerk, East District of Louisiana.*

UNITED STATES OF AMERICA, *Eastern District of Louisiana,* } *ss.*

To Henry Carleton, esq. District Attorney of the United States for the Eastern district of Louisiana:

You are hereby cited and admonished to be and appear at the Supreme Court of the United States, to be holden at Washington on the first Monday in August next, pursuant to a writ of error in the clerk's office of the district court of the United States for the Eastern district of Louisiana, wherein Seaman Field, Samuel I. Peters, and Thomas Toby, are plaintiffs in error, and the United States are defendants, to show cause, if any there be, why the judgment rendered against the said Seaman Field, Samuel I. Peters, and Thomas Toby, as in said writ of error mentioned, should not be corrected, and why speedy justice should not be done to the parties in that behalf.

Given under my hand, this 20th day of March, 1833.

SAMUEL H. HARPER, *Judge U. S.*

1833, April 5, executed on Henry Carleton, esq., district attorney of the United States for the Eastern district of Louisiana, by delivering to him a true copy of the above citation.

JOHN NICHOLSON, *Marshal East. Dist. La.*